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Netherlands

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I. Introduction

1. The four countries of the Kingdom of the Netherlands are all democratic states governed by the rule of law. The promotion and protection of human rights on the ground is a vital prerequisite in our democratic societies and the Kingdom of the Netherlands will continue its efforts in this area.[1] The UPR cycles are a valuable addition to the continuing debate on the state of human rights in the Kingdom and the recommendations flowing from this process are a solid basis for dialogue with all relevant national and international stakeholders. Therefore, the Kingdom has voluntarily submitted an interim report on the implementation of the recommendations from the previous UPR cycle in November 2014.

2. Societies are constantly changing under the influence of, among other things, economic developments, technological advancement, demographic trends and increased migration. This can lead to new challenges in the area of human rights. For example, since the last UPR in 2012, discussions in the media and in politics seem to have intensified in the Netherlands and the perceived antagonisms between different groups in the Dutch pluralist society at times dominate public debate. Many see the benefits of a diverse society, however, it also gives rise to debate about what citizenship and integration may require of anyone living in the Netherlands. Simultaneously, both the government and citizens have taken many initiatives to overcome these differences with respect for diversity.

Constitutional framework: one Kingdom, four countries[2]

3. In 2010, the Kingdom of the Netherlands underwent constitutional reforms. In the new structure, the Kingdom of the Netherlands consists of four countries of equal status: the Netherlands, Aruba, Curaçao and St Maarten. Although there is some form of cooperation between the countries in the field of human rights, each of the countries is autonomous in its implementation of the obligations stemming from the different human rights conventions.

4. Bonaire, St Eustatius and Saba – which were previously part of the Netherlands Antilles together with Curaçao and St Maarten – are now part of the country of the Netherlands. It is the aim to eliminate any unjustified differences between the Caribbean and the European parts of the Netherlands as soon as possible. However, it is important that the islands are given sufficient time to absorb all the new statutory and other measures that are needed.

5. Since 2010, much has already been achieved, for example in the areas of access to health care and the quality of primary education. In other areas, integral multiannual programmes have been formulated. The four focal points of these programmes are poverty reduction, economic development, the advancement of children's rights and good governance. These programmes are island-specific, in order to accommodate for the differences between the islands.

II. Methodology and consultation process

6. The Ministry of the Interior and Kingdom Relations and the Ministry of Foreign Affairs have a joint responsibility for the follow-up of UPR recommendations, with the former being in charge of drafting this national report. They cooperate closely with the Ministries of Security and Justice; Social Affairs and Employment; Education, Culture and Science; Health, Welfare and Sport; and Economic Affairs.

7. In preparation for this report, two consultative meetings were held. In June 2016, a meeting was organised in cooperation with the Dutch section of the International Committee of Jurists and the Netherlands Institute for Human Rights where NGOs and ministries could share ideas on the UPR process and on relevant topics. This was followed by a larger consultation with the Netherlands Institute for Human Rights, the National Ombudsman and several NGOs in September 2016 that led to a constructive exchange of views on the various subjects that those present felt should be addressed in the national report. Furthermore, the Association of Netherlands Municipalities and some of the larger cities have been consulted on the topic of human rights at the local level.

8. After the upcoming review, the Netherlands will organise an event where relevant stakeholders can discuss the implementation of the recommendations and ideas for a continuous follow-up of the UPR procedure. The national UPR implementation will also be subject of discussion in the interministerial human rights consultative committee.

III. Human rights infrastructure

A. Observance of human rights at the national level

9. Human rights law in the Netherlands is found in different sources, which are specified in Chapter 3.1.1 of the Netherlands' National Action Plan on Human Rights.[3] The government is responsible for ensuring the observance of human rights norms when drafting legislation and developing policy. To provide guidelines for this purpose, an Integrated Impact Assessment Framework (IAK) is available, which contains – among other things – fact sheets, manuals and check lists on a variety of topics, including human rights. The available documents include a checklist on civil and political rights, guidelines on economic, social and cultural rights, and a manual on the national application of the EU Charter of Fundamental Rights.

National Action Plan on Human Rights[4]

10. The Netherlands' National Action Plan on Human Rights was published on 10 December 2013. The Action Plan sets out the ways in which the government fulfils its responsibility to protect and promote human rights in the Netherlands, the objectives and priorities it defines in this regard, and the role of other bodies and individuals in this context. Five specific policy themes are discussed in the Action Plan: "non-discrimination and equal treatment", "information society", "immigration and asylum", "physical integrity and personal liberty" and "education, employment and culture". The Action Plan was followed by an interim report in November 2014 and both documents led to debates in parliament.

11. Aruba is currently taking steps to draft a national human rights action plan. It will base this on the most recent periodic reports submitted under the human rights instruments and the international recommendations arising from them. This integrated action plan, embracing a broad spectrum of human rights, with set priorities and implementation paths, will promote the observance and implementation of human rights in Aruba. An initial survey was carried out to establish the priorities, which includes the consultation of NGOs. The plan is expected to be completed in 2017, after which it will be sent to the Council of Ministers for approval.

B. Monitoring of human rights at the national level

12. In order to protect human rights, observance must be monitored. At the national level many different actors are involved in this process. These are listed in Chapter 3.1.3 of the Netherlands' National Action Plan on Human Rights.[5] An example is the Netherlands Institute for Human Rights, which was founded in October 2012, and was awarded the so-called "A" status in May 2014, which means it fully complies with the Paris Principles.[6]

13. The government of Aruba made a commitment during the 2012 UPR to create an independent human rights institute, based on the Paris Principles, similar to the one in the Netherlands. As the Aruban Parliament has announced to work towards the establishment of an Ombudsman and Children's Ombudsman in the near future, the Interdepartmental Human Rights Committee will look into the possibility of linking the Human Rights Institute with these institutions. Draft legislation for the establishment of the Ombudsman and Children's Ombudsman is awaiting public debate.[7]

14. In Curaçao, the Ombudsman Curaçao and the Ministry of Social Development, Labour and Welfare have jointly taken concrete steps towards setting up a Children's Ombudsman for the country.

C. International human rights conventions and protocols

15. The Dutch Constitution states that the government promotes the development of the international legal order.[8] The Netherlands is party to most human rights treaties and has supported numerous resolutions and declarations relating to specific thematic areas.

16. On 14 June 2016, the Netherlands ratified the Convention on the Rights of Persons with Disabilities. The Convention entered into force in respect of the Netherlands on 14 July 2016. Since then, the Netherlands has commenced the implementation of the Convention, *inter alia* by establishing a national mechanism for implementation and monitoring pursuant to Article 33 of the Convention. This will be a bureau in which representatives of national government, local authorities, entrepreneurs, employers, persons with a disability and their representatives work together. Its remit will include awareness-raising activities and encouraging initiatives. Such initiatives should preferably originate from society at large, since this promotes wide support and optimal results. The bureau will be a repository of hands-on expertise. The Netherlands Institute for Human Rights has been designated as the independent monitoring body.[9]

17. Aruba is mapping the consequences of the Convention's entry into force in order to prepare for its approval.

18. Late 2016, the Netherlands decided to launch the proceedings towards ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Early 2017, advice from the Council of State is being requested.[10]

D. Human rights at the local level

19. Citizens deal with different tiers of government. Each tier bears responsibility, both separately and conjointly, for the protection and promotion of human rights. This especially applies with the growing trend towards decentralisation. As youth care, long-term care and employment support were transferred to municipalities on 1 January 2015, local authorities have acquired new tasks and responsibilities, for example related to the areas of children's rights, economic and social rights, and data protection. As municipalities are the tier of government closest to the citizens, decentralisation offers promising opportunities from a

human rights perspective. For example, the new social support legislation explicitly encourages municipalities to locally work towards an inclusive society. At the same time, differences in local policy implementation and diminished budgets call for persistent attention for the observance of human rights.

20. Many municipalities work on the promotion and protection of human rights. Some notable examples of human rights actions at the local level are:

- The municipal antidiscrimination bureaus, that make it possible for virtually anyone in the Netherlands to report discrimination and to receive professional support;[11]
- The UN panels in municipalities that test local policies to the Convention on the Rights of Persons with Disabilities;
- The 44 so-called "Rainbow Cities", which have signed the Rainbow Cities Covenant, in which they declare to improve the social acceptance, safety and emancipation of LGBTIs;
- The (originally European) Shelter City Initiative of NGO "Justice and Peace" in collaboration with Dutch Cities, has made it possible for international Human Rights Defenders that are under pressure because of their work, to apply for a three-month temporary shelter in one of the eight Dutch Shelter Cities: Amsterdam, The Hague, Middelburg, Maastricht, Nijmegen, Utrecht, Tilburg and Groningen.

21. A handful of municipalities have – on top of the existing efforts in this field at the local level – decided to also explicitly use the term "human rights" in their policies. Whether municipalities do this often depends on willing mayors, aldermen or municipal councils who wish to incorporate the concept of human rights in their municipality's policy-making framework. Examples in the Netherlands are the cities of Amsterdam, Middelburg and Utrecht. These cities have actively worked, in cooperation with civil society and their citizens, to promote awareness of the concept of human rights.

E. Business and human rights

22. The Netherlands promotes corporate respect for human rights in accordance with the UN Guiding Principles on Business and Human Rights. In 2013, the Netherlands was one of the first countries to adopt a National Action Plan on Business and Human Rights to implement the UN Guiding Principles.[12] Its objective is to prevent companies from being involved in human rights abuses, focusing on Dutch companies doing business abroad. The promotion of this agenda was a priority during the Dutch Presidency of the Council of the European Union in the first half of 2016. The Netherlands also chaired the negotiations on a Council of Europe Recommendation on business and human rights which was adopted in March 2016.[13] On the basis of a risk analysis of the Dutch economy, the government aims to conclude agreements with the sectors that are most at risk in terms of human rights and other corporate social responsibility issues. The first agreement, concluded with the Dutch textile sector, was signed on 4 July 2016. The Netherlands also introduced domestic legislation to lower barriers for access to remedy for victims of business-related human rights abuses. The government supports several NGOs for projects geared towards corporate accountability.

IV. Promotion and protection of human rights in the Kingdom of the Netherlands

A. Equality and non-discrimination[14]

23. The Netherlands promotes equal treatment and non-discrimination on numerous grounds through various legislative and policy measures, which are further discussed below. There is also an infrastructure in place for the reporting and combating of discrimination. This includes low-threshold local antidiscrimination bureaus that provide free advice and support to victims of discrimination, and the Netherlands Institute for Human Rights that can give expert opinions in discrimination cases. Discrimination can naturally also be reported to the police and prosecuted by the Public Prosecution Office.

24. Article I.1 of the Aruban Constitution prohibits discrimination based on religion, race, sex, colour, national or social origin, property, birth, or on any other ground not explicitly mentioned in this provision. It also enshrines the principle of equality. This article provides a guide for the Aruban legislature and government. Under the Constitution the courts have the power of review. A citizen who claims that a given law is contrary to the first article of the Constitution may request the court to review the constitutionality of the law. If the law is deemed to be contrary to the Constitution the judge will declare it non-applicable in the individual case before the court.

25. Chapter two of Curaçao's Constitution prohibits discrimination on the basis of religion, national or social origin, political affiliation, race, gender, and based on any other grounds, and ensures equality of all under the law.

1. National Action Programme to combat discrimination[15]

26. The Dutch Government presented a new National Action Programme to combat discrimination in all its forms on 22 January 2016.[16] This programme provides a boost and brings coherence to the government's policies in this area, and articulates the government's vision of how to combat discrimination and xenophobia in the coming years. The programme includes both the general antidiscrimination approach, and measures focused specifically on various target groups, among which people who are discriminated against on the grounds of descent, skin colour, religion, sexual orientation, gender, age and handicap or chronic illness. The parliament will be informed annually on the progress made in this respect.

27. The Action Programme has four pillars. The pillar on the prevention of discrimination included a multi-annual awareness raising campaign to "strike out" discrimination that started in September 2015. Another pillar is the strengthening of local antidiscrimination policies. This incorporated a study of the structures and effectiveness of local antidiscrimination services, which is expected to be published in February 2017.[17]

2. Labour market discrimination[18]

28. In response to the Social and Economic Council of the Netherlands' advisory report, the government presented an Action plan against labour market discrimination on 16 May 2014. On 1 September 2015 and on 3 November 2016 progress reports on this action plan were published. The action plan lists 48 concrete measures to tackle labour market discrimination, which include:

- the start of a Diversity Charter (in which trade unions and employers' organisations are represented);

- the ending of contracts between government and companies which have been convicted of discrimination;
- the formation of a labour discrimination team at the Inspectorate of the Ministry of Social Affairs and Employment;
- the abovementioned multiannual antidiscrimination campaign[19] and a separate campaign on labour market discrimination (which started on 31 May 2016 and will be repeated in November 2017).

3. UN Decade for People of African Descent[20]

29. The Netherlands sees the Decade for People of African Descent (2015–2024) as an opportunity to intensify efforts to combat racism against people of African descent. Dutch policy related to this Decade and its implementation is driven by a joint effort of the government and society and the participation of the community concerned is of key importance. The government has drawn up a framework memorandum presenting a common vision on the details and implementation of policy arising from this Decade in the Netherlands. The memorandum follows the three pillars of the Decade: recognition, justice, and development. Early July 2016, a social map of organisations, networks, and individuals involved in improving the position of people of African descent in the Netherlands was posted on www.organisatiesafrikaanseafkomst.nl. Through this website, these actors can find each other and collaborate. In August 2016, a €500,000 tender was launched for educational projects to help raise awareness and support empowerment. The government also provided a grant towards a story competition and Academy X was launched. This educational initiative helps young people of African descent develop their potential and combat exclusion mechanisms. Furthermore, a competition was announced in October, which aims to formulate a unifying message that can further stimulate awareness of racism against people of African descent in the Netherlands. At the end of 2016 a conference was held to launch the Netherlands' approach to the Decade. Furthermore, government representatives discuss relevant themes at numerous round-table meetings and creative sessions with members of the target group.

30. A recurring issue in this context is the old Dutch tradition of Sinterklaas and the character of the so-called Black Pete. The traditions accompanying this celebration have always been developing and will continue to evolve. The Dutch government shares the view of the Netherlands Institute for Human Rights that a ban on Black Pete by the national government is not an appropriate solution, but that the government can play a role in enhancing and facilitating a respectful national dialogue leading to initiatives by society to adjust Black Pete into a figure that does justice to everyone. Over the last few years we are witnessing changes in the appearance of Black Pete.

31. In Curaçao, the Curaçaoan coalition for the UN Decade for People of African Descent was launched on 10 December 2015. The coalition consists of government agencies and NGOs and is led by the National Archaeological Anthropological Memory Management Institute.

4. The prevention of ethnic profiling[21]

32. The police are expected to take a proactive approach to preventing and discouraging crime at an early stage. In doing so, it is important to exercise due care at all times. Preventing ethnic profiling is crucial to the legitimacy of, and the public confidence in, the police. The actions taken to prevent ethnic profiling focus on education and training, fostering good relations, diversity in the work force, and efforts to improve the complaints procedure. Within these four pillars, good progress has and is being made. To do so, the police launched the three-year programme 'The power of difference' in 2015. The progress

made in these areas is reported annually via the National Action Programme to combat Discrimination.[22]

5. Women's rights[23]

Economic independence

33. Although a large proportion of women participate in the workforce, far fewer are economically independent. Many are dependent on their partner's income. The government is trying to increase women's economic independence by making it easier to combine paid employment and care tasks and by encouraging women to participate in the workforce. Over the past years this has been done within the equal opportunities policy framework, with self-reliance programmes[24] that focus on local cooperation between municipalities, employers, educational establishments, and women's organisations to help women who are not economically independent. For the year 2017, centre municipalities of the labour market regions could request co-financing for projects aimed at increasing women's economic independence that are compatible with the local situation. Out of 35 centre municipalities, 25 used this possibility. The Netherlands also supports a number of initiatives that focus on increasing the economic independence of specific groups of women.[25]

Gender pay gap[26]

34. The government commissions research on the gender pay gap at regular intervals. Between 2008 and 2014, the pay gap in the public sector decreased from 16% to 10% and in the private sector from 22% to 20%. The pay gap is largely due to the different positions men and women occupy in the workforce. Women tend to occupy lower positions, have less job experience, and work in different sectors than men. Equal opportunities policy is geared towards narrowing such differences in employment, which will automatically reduce the pay gap. Part of the gap results from women being paid unequal wages for equivalent work. This is unlawful, and such cases can be submitted to the Netherlands Institute for Human Rights and the civil courts. Furthermore, specific measures incorporated into the Action plan against labour market discrimination[27] are aimed at reducing the gender pay gap. These include commissioning further studies and promoting the active involvement of the social partners, which are taking a range of initiatives in this area.

Pregnancy discrimination

35. In consultation with the Netherlands Institute for Human Rights, the scope was explored for measures to further combat pregnancy discrimination. In this connection, a round-table meeting with the social partners was organised on 26 September 2016 to discuss how best to devise a joint approach to tackling pregnancy discrimination, in addition to the existing measures in the Action plan against labour market discrimination.[28] Numerous ideas were put forward, and the participants declared their willingness to consider them jointly. On the basis of the ideas advanced at this meeting, an action plan on pregnancy discrimination is currently being prepared, and publication is expected in February 2017.

Equal representation in top positions[29]

36. The Netherlands has an active approach towards stimulating the participation of women in top-level positions. Measures are in place to increase women's positions in the civil service, academia and companies. The government set a target to have at least 30% of top positions in the central government's senior civil service held by women by 2017. This target was met in 2015 and the current number is 33.3%. To increase the number of women

in academia, the government has asked all universities to set their own targets, and has also financially supported the national network for female professors. Furthermore, in 2017, the government will make a €5,000,000 subsidy available for the appointment of 100 extra female professors to celebrate the fact that 100 years ago the first female professor Johanna Westerdijk was appointed. Finally, the government has decided to extend the civil code which mandates that 30% of the management and supervisory boards of companies should be filled by women. In order to encourage companies to comply, active cooperation has been sought with the employer's federation. Additionally, financial support has been given to the foundation topvrouwen.nl, which makes both highly qualified women and available top positions more visible.

Integrated national gender policy in Aruba

37. In response to UNICEF's assessment and CEDAW's concluding observations a commission has been appointed with the task of developing an integrated national gender policy. Consultations are being held with the relevant stakeholders on the areas identified as essential for the protection and promotion of women's rights, including the combating of violence against women, participation in public and political life and empowering women and girls. A comprehensive policy plan for Aruban youth has also been developed in response to UNICEF's assessment.

6. LGBTI

Combating transgender discrimination and stimulating their employment[30]

38. The Netherlands supports the national expertise and lobbying group Transgender Network Netherlands (TNN), in areas such as building up networks for transgender individuals, increasing sensitivity among employers, and sharing best practices to promote the participation of transgender people. It also supports a project to help transgender people to (re-)enter the labour market, through coaching, job application training, and in some cases supervision in the workplace. To improve the rights of transgender people within Europe, the Netherlands supports the work of Transgender Europe.

Intersex people

39. The Netherlands supports the advancement of the rights of intersex people both nationally and internationally. Themes discussed nationally include promoting and protecting health, medical ethics policy, research on the specific problems of intersex children, and the promotion of expertise among medical professionals. To further these goals, an expert meeting was held with all the relevant parties and experts in November 2016 to chart the issues that may be at stake, to identify the specific problems experienced by intersex people, and to define what the role of the Dutch government and of other stakeholders could be in tackling these problems. In the first half of 2017, a follow-up meeting will be organised to discuss the results of some of the thematic working groups. In addition, a preliminary investigation was conducted in 2016 on the question of whether the prohibition of discrimination on the grounds of gender identity and gender expression could be made explicit in the Equal Treatment Act, including references to physical sexual characteristics. On 16 January 2017, a draft bill was submitted by parliament to clarify discrimination on the grounds of gender in the Equal Treatment Act, so it would thereafter include physical sexual characteristics, gender identity and gender expression. Furthermore, the possibility is being explored of devising a specific 'product' for use in information sessions at schools on intersex or sexual variations. Finally, on 26 October 2016 (Intersex Awareness Day), the guide "10 Q&As about intersex" for local professionals was published, with financial support from the government.

Safety of LGBTIs

40. LGBTIs are more likely to feel unsafe in their local neighbourhood than heterosexuals. A large proportion of incidents of bullying and/or violence are not reported to the police, and those that are reported are not always dealt with properly. Combating discrimination and hate crimes against LGBTIs is rarely incorporated into the safety policies drawn up by municipal councils. However, the police have taken up the subject, for instance through the 'Pink in Blue' organisation, which is an LGBTI network within the police. The antidiscrimination bureaus also take an active role in improving the efforts to stamp out violence and discrimination targeting LGBTIs, from identifying and reporting to taking effective action, aftercare, and prevention.

41. Since 2011, NGOs, knowledge institutes, and others including the police have been cooperating in a national gay-straight alliance called *Natuurlijk Samen*.[31] This has heightened awareness of the problem, but the approach still tends to be ad hoc: action is only taken in response to specific incidents. Over the next years, greater effort will be made to build up partnerships with municipal organisations and those involved in safety issues. In addition, LGBTI discrimination will be linked more strongly to discrimination on other grounds, such as ethnicity, which is also a key factor in numerous incidents in local neighbourhoods and asks for a similar, more effective, approach.

Same-sex unions in Aruba

42. With the parliamentary adoption of an amendment to the Civil Code concerning the law of persons and family in September 2016, registered partnerships have been made possible for civil unions between both same-sex and heterosexual couples.

B. Rights of the Child[32]

1. Youth Act and participation

43. The Netherlands finds it important to involve children and young people in thinking about and discussing policies that affects them. The new Youth Act (which entered into effect on 1 January 2015) therefore provides that municipalities must actively involve young people and families in framing youth policy, and youth participation is a priority issue in the Youth Policy Modernisation Agenda. Over the past year, the government has reached out to young people in diverse ways to discuss policy and participation. Examples include consultations with the Youth Task Force, Consulting Kids, Speak&Eat and the Youth Summit that took place in June 2016, where young people were explicitly represented. The government also benefits from the expertise of the National Youth Council. This participation will be further developed in consultation with children's rights NGOs.

2. Child abuse and sexual exploitation of children[33]

44. The Dutch approach to child abuse focuses primarily on ensuring that professionals deploy the existing set of instruments (such as the domestic violence and child abuse protocol and the 'child check' it includes) effectively and on supporting municipalities in their responsibility for tackling child abuse. The main focus is on ensuring that the 'Safe at Home' organisations (the advisory and reporting centres for domestic violence and child abuse) are functioning as they should. Furthermore, the Collective against Child Abuse is helping six municipalities to improve the local integrated approach to child abuse.

45. The Netherlands has also taken numerous measures to combat (sexual) exploitation of children. In the past seven years, a nationwide action plan combating the practice of so-called "loverboys" (human traffickers exploiting vulnerable girls, through means of a

feigned relationship) has been implemented, encompassing various measures aimed at prevention, prosecution and the protection of victims. These measures range from preventive awareness-raising social media campaigns, to intensified prosecution of clients of child victims of sexual exploitation, and to investing in specialised care for youth victims. The Netherlands has expert-prosecutors and judges, who specialise in cases of human trafficking, including the exploitation of children.

46. The Netherlands drafted an Action Plan to prevent and combat child sex tourism for the period 2016–2018. The Action Plan contains a cohesive package of measures that involves public and private partners. The Action Plan focuses on 1) prevention (a range of social media campaigns to raise awareness amongst travellers to the development/implementation of a model to create (inter)national barriers for child sex tourism); 2) investigation and prosecution (e.g. the use of two liaison officers in South East Asia for tackling child sex tourism); and 3) international cooperation with Europol, Interpol (for the development of an international certificate of conduct), the Virtual Global Taskforce, the Council of Europe (participation in the Lanzarote Committee), etc.

3. Children in detention[34]

47. The Dutch government deems it important that young people that come into contact with police or judicial authorities receive assistance, are treated correctly and are given sentences that are appropriate in light of the offense, the person and the situation of minors. Dutch juvenile criminal law has an educational character that focuses on development, re-education and rehabilitation of juvenile suspects. The basic principle in the Dutch juvenile criminal system is that custody should only be used as a last resort, and for the shortest appropriate period of time. In the prosecution of criminal offenses, it is the aim to keep children out of criminal proceedings and to find alternatives, with respect for children's rights.

48. Dutch juvenile criminal procedure prescribes that a judge who orders pre-trial detention, must officially determine whether this can be suspended immediately or at a later date.[35] Furthermore, during the full period of pre-trial detention, it must frequently be determined by the courts that the detention remains lawful. Alternatives include the suspension of the pre-trial detention under specific conditions (e.g. a duty to report and/or a restraining order), night detention or house arrest with electronic monitoring.

4. Improving the position of children in acrimonious divorces

49. A divorce that follows an acrimonious path can have a devastating impact on the children. Parents, children, and the social network surrounding the family should be properly equipped to make it possible for both parents to cooperate in raising their children. Care provision, legal proceedings, and the training of professionals should be organised in a manner to support them in this task and to 'push' them in the right direction.

50. An implementation plan was drafted in 2014 that aims to improve the position of children whose parents are involved in an acrimonious divorce. The plan is geared towards preventing, identifying at an early stage, and ending the 'hostilities' in an acrimonious divorce, and limiting the damage that such acrimony causes to children. Early 2017 the government will provide information on the overall progress made in the implementation plan.

5. Government Committee on the reassessment of parenthood

51. From 2014 to 2016, the Government Committee on the reassessment of parenthood conducted a study with the aim of advising the government on the desirability of changing the existing regulations surrounding legal parenthood and introducing legislation allowing

for parenthood and parental responsibility for more than two parents, and for surrogacy. The fundamental rights enshrined in the Constitution and relevant international conventions provided the frame of reference, in particular those relating to the rights and interests of the child. The Committee's report makes proposals aimed at creating more flexibility in forms of legal parenthood, as families can be composed in different ways and the interests of the child should be legally guaranteed in all these situations. The government will continue to study the report in the coming months and decide what follow-up to the report is necessary and/or desirable.

6. Children's rights in Aruba

52. With the amendment of the law on family names, parents may now choose whether to give their child the family name of the mother or the father, while previously children born in wedlock (or acknowledged by the father) automatically took the father's name. The new law also prohibits corporal punishment in the family setting and establishes by law an advisory and reporting centre for child abuse.[16]

53. A Kingdom-wide task force was set up to promote cooperation in the field of children's rights. The issues it addresses include violence against children and the role of parents in children's upbringing.

54. The government also re-installed the National Children's Rights Committee in October 2014, with the aim of giving a fresh impulse to the coordination and monitoring of the implementation of the Convention on the Rights of the Child.

7. Children's rights in Curaçao

55. Children are entitled to information and should be made aware of their rights. Since 2008, partner organisations in Curaçao have been organising activities that focus on informing children and young adults about legal provisions related to children's rights through, for example:

- Various NGOs including *Fundashon Material pa Skol* (Foundation for School Supplies), *Fundashon Bos di Hubentut* (Foundation for the Voice of Youth), and *Federatie Antilliaanse Jeugdzorg* (Antillean Federation for Youth Care), in partnership with other organisations such as the Guardianship Council, the Curaçao Child Protection Foundation, and SEDA (Centre for Women's Development) organise a range of annual activities in relation to the Universal Children's Day, including:
    - The dissemination of information on children's rights in the media and at schools;
    - The organisation of conferences, debates and other events with guest speakers to inform youth on themes related to the rights of the child;
    - The organisation of the *Festival Derechi di Mucha* ('Festival for the Rights of the Child'), highlighting children's rights through art, song, and other forms of expression;
- The publishing of three books raising awareness about child sex abuse;[17]
- A government-launched annual information market, where information is available for the public regarding early childhood education.

8. National Action Programme for Youth Development in Curaçao[18]

56. In 2014 the Curaçao government started a new policy approach on youth development, based on a more integral approach and positive view on youth development:

the Action Programme for Youth Development. This programme is directed towards creating chances and possibilities for all young people in Curaçao between 0-24 years of age. Youth participation is considered very important and so youth are involved in both the setup, validation and implementation of the programme. The programme focuses on five areas of youth development: 1) education and childcare; 2) employment and entrepreneurship; 3) security; 4) health and welfare; and 5) homes and neighbourhoods. The programme endeavours to facilitate collaboration among local partners and work towards concrete goals for youth development.

9. Foundation for Judicial Youth Care in Curaçao

57. The Foundation for Judicial Youth Care *(Ambulante Justitiële Jeugdzorg Curaçao)* was established in 2013 to contribute to a safer Curaçao, through providing support and guidance activities for high-risk 12-18-year-olds, organising youth rehabilitation activities, and creating a Community Safety Partnerships.[39] Its preventive activities include organising informative talks about the organisation's walk to the public, and relevant authorities. The organisation also provides teachers with guidelines to equip them with the necessary skills to help youth in vulnerable situations, and to raise awareness among young people regarding the conditions that lead to juvenile crime.

C. Privacy

1. Duty to report data breaches

58. The 2016 amendment to the Data Protection Act requires data controllers to provide information on any personal data breach to the Data Protection Authority (DPA) and to the data subjects themselves, where there is any likelihood of the breach having a serious adverse impact on an individual's private life. In addition, the DPA's powers to impose administrative fines for infringements of the Data Protection Act have been significantly expanded. It can now impose fines of up to €820,000. New procedural and substantive safeguards have been put in place that enable the DPA to narrow the scope of the somewhat broadly formulated provisions of the Data Protection Act for application to the case at hand, in order to fully respect the principles of foreseeability and legal certainty.

2. Privacy Impact Assessments

59. The central government's use of Privacy Impact Assessments, which has been obligatory since 2013 when large sets of personal data need to be processed as a consequence of new legislation or policy, was evaluated by independent researchers in 2016. The report's main findings are that the use of PIAs has a positive effect on the careful, appropriate, and lawful processing of personal data. Still, the effect could be improved. The report recommends increasing the expertise and awareness of privacy issues within government bodies, making the question model more user-friendly (e.g. by removing legal jargon) and by ensuring that PIAs are carried out in a timely fashion. A new question model will be developed in the coming year.

3. Big Data

60. In April 2016, the Scientific Council for Government Policy released a report on Big Data in a Free and Secure Society. In response to this report the Dutch Cabinet sent a letter to Parliament in November in which the cabinet stated that it will explore the usefulness of Big Data Analytics further, while developing sufficient guarantees for data protection, non-discrimination, transparency and reliability of used data and methods of analysis.

4. Intelligence and Security Services Bill

61. The Intelligence and Security Services Bill was introduced to parliament on 28 October 2016. This bill regulates the various (special) powers of the intelligence and security services, which could infringe on the right to privacy. Due regard has been given to the criteria developed by the European Court of Human Rights in this area[40] and this has resulted in adequate safeguards to protect the right to privacy. Furthermore, the bill provides for an effective monitoring and complaint system. In the context of the complaints procedure, binding judgments can be delivered by an independent complaint body.

D. Immigration, integration and asylum[41]

1. Response to increased influx of asylum seekers

62. In (particularly the summer and autumn of) 2015, the Netherlands found itself dealing with an influx of asylum seekers that was unprecedented for this country. The government's highest priority during this time was ensuring that all those concerned could be accommodated in a humane fashion. The Netherlands made a great effort to achieve this, which was successful. Not a single asylum-seeker was left without shelter during this peak influx. This meant that reception centres had to be prepared rapidly, and consequently they did not always fulfil all the criteria that had been set in the past. Nonetheless, everyone was assured of safe, humane shelter. Other major concerns were healthcare issues and identifying and registering all new arrivals. Due to the large numbers involved, the waiting times during the asylum procedure became longer than usual and the need to create temporary shelters meant that people had to move from one location to another more frequently than was desirable. By now the influx of asylum seekers has greatly diminished, so there is a definite prospect of reducing the time taken to process applications and normalising the conditions at reception centres. Efforts now also focus on finding housing for the large group of asylum seekers who have since been given residence permits and on ensuring their integration into Dutch society.

2. Aliens detention / Detention for groups in vulnerable situations[42]

63. Unaccompanied minors are not placed in border detention. Families with minor children are screened at the Schengen border. Since the introduction of this screening, no families that have requested asylum at the Schengen borders have been placed in the special closed family centre.

64. For families with minor children who are required to leave the country and who are living in open reception centres, the policy change announced previously, according to which families with minor children could no longer be placed in detention with a view to expulsion unless they had previously evaded supervision, is no longer applicable. This is because the measure gave rise to a steep increase in the number of families with minor children who evaded supervision as soon as they had been notified of their date of expulsion. Almost two-thirds of these families evaded supervision, whether partially or totally, in this period. These families faced an uncertain existence as illegal immigrants. Particularly in the interest of the children involved, this was deemed highly undesirable, and it was decided to place them in detention again, under specific, strict criteria, in a closed, purpose-built, family centre.

65. In 2017, the Return and Aliens Detention Bill will be debated in parliament. This bill establishes a new, separate regime that will apply specifically to aliens who are being held in detention on administrative grounds. The bill pays particular attention to the position of groups in vulnerable situations in relation to the imposition of aliens detention. It also furnishes statutory guarantees that detention will not be imposed if it would be

unreasonably onerous because of the alien's specific circumstances. The same provisions apply to border detention.

3. Shelter for undocumented migrants

66. Reception facilities are available for aliens whose applications to remain in the Netherlands have been irrevocably denied and who are obliged to leave the country. There is a national, central location that provides shelter and prepares those concerned to return to their country of origin or a country in which permanent residence will be possible. These persons are given further support with specific aids such as identity papers, tickets, and a sum of money for use following their return. This location also provides access to healthcare if necessary. For adult aliens, admission to this facility is conditional upon their demonstrable cooperation with the return procedure. This condition does not apply to families with minor children. Families whose applications for asylum have failed may remain in the facility until the youngest child in the family is eighteen years of age. The highest administrative court in the Netherlands and the European Court of Human Rights have ruled that these facilities for undocumented migrants are in conformity with the European Convention on Human Rights.

4. Children in alien policy[47]

67. The Netherlands' admission policy, both in the asylum procedure and in regular admission procedures, takes considerable account of the position of minors (those in families as well as unaccompanied minor asylum seekers). These children's need for protection is carefully examined, in accordance with EU and international law. Other important aspects include child-specific procedural safeguards covering matters such as providing shelter, education, social services and medical care, and keeping the family together. The interests of minors are also considered in the return procedure. For instance, unaccompanied minor asylum seekers are not expected to display the same degree of personal initiative or responsibility as adults. Also, the Amnesty Scheme for Minor Asylum Seekers[48] introduced an objective standard on the basis of which children who have lived in the Netherlands for many years can be given residence permits if certain conditions are fulfilled.

5. Statelessness

68. Stateless persons are treated equally to migrants with a nationality, aside from a few favourable exceptions. Stateless persons can apply for naturalisation after three years of legal residence in the Netherlands, as opposed to the standard period of five years.

69. Stateless people have to prove their statelessness in order to receive the benefits stated in both UN Conventions against statelessness and for obtaining Dutch nationality. The Netherlands is presently working on a draft bill for a determination procedure on statelessness. This bill will also enable children born stateless on Dutch soil without a residence permit to obtain Dutch nationality after five years of stable, factual residence.

70. Statelessness does not in itself constitute grounds for legal residence in the Netherlands. Stateless persons can be granted legal residence if they meet the requirements for asylum or regular residence. If they do not, but are unable, through no fault of their own, to return to a country in which they were formerly resident, they may be granted a residence permit. In other cases, stateless persons can be required to return to the country of origin or of former residence.

6. Self-determination programme

71. One element of the Netherlands' integration policy is the self-determination programme. Self-determination is about the ability and freedom to make one's own choices about matters such as education, training, recreational activities, choice of life partner, living alone, getting a divorce, and religion, without any pressure or coercion. The Netherlands is a democracy governed by the rule of law, in which everyone has the same rights and obligations, and self-determination is generally taken for granted. In some communities, however, honour and group pressure play a role. Violations of someone's right to self-determination occur primarily in relationships of dependency and inequality between a man and a woman. Examples include forced marriage, marital captivity, child marriage, abandonment, honour-related violence, a life of enforced isolation, and the non-acceptance of homosexuality.

72. The programme focuses primarily on prevention by encouraging discussion on taboo subjects within closed communities, and by campaigning against forced marriage by informing potential victims about the options that are available to them to prevent a forced marriage or abandonment.

7. Asylum seekers and their families in Aruba

73. Aruba is a signatory to the 1951 Refugee Convention through the 1967 Protocol relating to the Status of Refugees and has an asylum procedure in place.

74. The 2009 Admissions Decree provides that asylum seekers may stay in Aruba, and may take up employment, while their request for asylum under the terms of the Refugee Convention is being processed.[45] This also applies to the fulfilment of obligations arising from international conventions such as those on combating human trafficking.

8. Migration and Integration Survey 2016 Aruba

75. In the last quarter of 2016, the Central Bureau of Statistics conducted the 2016 Aruba Migration and Integration Survey (AMIS 2016). The main goal was to collect data on the characteristics and living conditions of migrants on Aruba, in particular recent arrivals: that is, people who were not born on Aruba and who settled there in the past ten years. The other members of their household were also interviewed, regardless of whether or not they were born on Aruba. AMIS 2016 consisted of a questionnaire on a variety of themes, for instance personal characteristics, migration history, economic activities, living conditions, migrants' intentions regarding residence on Aruba, integration into the Aruban community, and ties with Aruba and their native country.

E. Physical integrity and personal liberty

1. Violence against women[46]

76. In recent years – partly in response to CEDAW recommendations - there has been a focus on increasing the gender sensitivity of the policy combating violence in relationships of dependency. A "gender scan" was carried out to examine the gender sensitivity of the policy's implementation. In the follow-up to this scan, a toolkit was compiled to help municipalities increase the gender sensitivity of their policies. In addition, a study was conducted on the intergenerational transmission of domestic violence.

77. The Sexual Violence Centres form an important part of the combat of sexual violence in the Netherlands. These have a multidisciplinary approach for victims of acute sexual violence, irrespective of age, by coordinating forensics, medical care and

psychosocial support. Thirteen of these centres are operational already and it is expected that the final three will follow suit in 2017.

78. To further improve the reporting procedure, the police's instruction for sexual violence cases has been renewed. It is specified how the procedure can be focused on the victim even more than before.

79. The Istanbul Convention entered into effect in the Netherlands on 1 March 2016.

2. "No mas, no more" proclamation on Curaçao

80. In November 2015, the Government of Curaçao launched a campaign to raise awareness regarding relational aggression, and assistance available to (potential) victims, including information on how to report cases to relevant authorities, and which organisations can help with further care and treatment of victims.

3. Victims of human trafficking, domestic violence and other crimes, who do not possess residence permits

81. The Human Trafficking Residence Arrangements are designed to achieve two objectives: to provide protection for those who allege that they are victims of human trafficking and who cooperate in criminal cases against perpetrators, and consequently to encourage victims to report the offences to the police.

82. Persons alleging that they are victims of human trafficking are entitled to a three-month period of reflection, from their first contact with the police, before deciding whether to press charges. This is to give them time to rest, acclimatise to their new situation, and to think about whether they wish to cooperate in investigating and prosecuting the trafficker. Those that do are given a temporary residence permit for the duration of the criminal proceedings. Victims who are unwilling or unable to press charges because of severe medical issues or serious intimidation may be issued a temporary residence permit for the period of one year. If criminal proceedings lead to a final and unappealable conviction, or if they last longer than three years and the victim has been in the possession of a residence permit for three years, the victim will on application be issued a residence permit on non-temporary humanitarian grounds.

83. Victims of domestic or honour-related violence may also be eligible for a humanitarian residence permit. Victims living in the Netherlands illegally may apply for a temporary humanitarian residence permit. If the threat of violence is still present after a year, the permit may be converted into a non-temporary residence permit. If a victim possesses a residence permit for residence with a partner and the relationship is severed because of domestic abuse or the threat of honour-related violence, the victim is eligible for a non-temporary humanitarian residence permit.

84. To encourage illegal immigrants who have witnessed or been the victim of other criminal offences to report the offences to the police and to ensure that these persons have access to justice, the Dutch police has given assurances since the beginning of 2016 that no action will be taken under immigration law when someone comes to report a crime. However, if it is suspected that the person is in the Netherlands illegally, the police will refer him or her to the IOM and other aid agencies that can provide assistance in the case of voluntary departure. Irregular immigrants have no advantages or disadvantages relating to their residence status resulting from this arrangement.

4. Combating human trafficking in Aruba

85. In Aruba, sentences for human trafficking offences were increased in 2014. Under the Aruban Criminal Code, using the services provided by victims of human trafficking is now a punishable offence if it is known that the services are being provided under coercion.

86. The Counter Trafficking Taskforce Aruba drafted a new national anti-trafficking action plan for 2015-2019, formalised standard operating procedures to guide front-line responders in the proactive identification of trafficking victims and their referral for care, and established a Counter Trafficking Coordination Centre. In 2014-2016 several investigations were launched into possible cases of human trafficking and about 500 government employees were trained in recognising signs of human trafficking.

87. The Government of Curaçao also has a working group for Trafficking in Persons that monitors the status of cases and victims, promotes information sharing among relevant authorities, and enhances collaboration among government bodies in combating human trafficking and smuggling.

F. Human rights and counterterrorism

88. The threat of terrorism has not bypassed the Netherlands. The Netherlands acknowledges that it has a duty to protect its citizens against this threat, but at the same time counter-terrorism measures have to be measured against the protection of human rights, such as the right to privacy, the freedom of expression, the freedom of movement and non-discrimination. The Netherlands, before taking any legislative or policy action to counter terrorism, always assesses whether the measure is necessary and proportionate and whether it may have any adverse effect on human rights. The analyses regularly provided by the National Coordinator for Security and Counterterrorism form the basis for any action. The National Counterterrorism Strategy of July 2016 provides a framework for counter-terrorism measures for the coming five years. Any concrete measure that leads to legislation is thoroughly assessed by the Council of State and debated in Parliament, so as to assure the observance of human rights and the rule of law.

89. An example in this context is the *Action Programme Integrated Approach to Jihadism*. With this programme, the government has taken measures to combat and weaken the jihadist movement in the Netherlands and to oppose radicalisation. It enumerates 38 measures that the government deploys in its effort to tackle violent jihadism. To implement this action programme, several additions to the statutory set of instruments entered into force in 2016. The new statutory powers make it possible to restrict the freedom of movement of radicalised individuals in the Netherlands, *inter alia* by banning them from leaving the country. The scope for stripping someone of their Dutch nationality has also been expanded. Naturally the statutory provisions and the application of these powers are formulated and executed within the parameters of the Dutch Constitution and the international human rights conventions. Procedures are in place to ensure the proper observance of human rights obligations in the application of these powers.

G. Right to health

1. Tobacco discouragement policy

90. The Netherlands actively strives to help smokers quit smoking, to prevent health damage from second-hand smoke and to discourage young people from taking up smoking. In 2017, its prevention efforts will be continued via *inter alia* www.rokeninfo.nl, school programmes and campaigns (NIX18 and Stoptober). There is a special focus on the

prevention of smoking by (expectant) parents. Insurers reimburse smoking cessation care. Furthermore, the Tobacco Act now includes a ban on smoking in public indoor areas, an 18+ age restriction, and (since May 2016) dissuasive images on packaging and a ban on distinctive flavours in cigarettes. New legislation is also being prepared in 2017 to ban the display of tobacco products in shops, to have smoke-free school grounds, and to prevent tobacco packaging from attracting attention of young people in particular. With these measures, the government aims to protect the right to the highest attainable standard of health, especially that of young people.

91. In April 2016, the Government of Curaçao passed a law to prohibit smoking in public places, in an effort to discourage persons from smoking, and to decrease the number of persons affected by smoking-related/ second-hand smoking diseases.

2. Improvements to community environments in Aruba

92. The government of Aruba has developed the *"Bo Aruba"* (Your Aruba) and *"Bo Barrio"* (Your Neighbourhood) programmes, which include the renovation of the country's two urban centres, Oranjestad and San Nicolas, and twenty other neighbourhoods on the island. The main priority of these programmes is to create more parks and public spaces to encourage movement and walkability, and to bring people together. They reflect the government's recognition of the link between health, happiness, and wellbeing. To promote greater social cohesion and social capital, every neighbourhood on Aruba will acquire a new community centre or multifunctional accommodation, which will offer the people a range of social services and activities under one roof.

3. Curaçao's Primary Care Policy

93. Following research on the social indicators of healthcare, and based on recommendations of the Pan American Health Organization, the Government of Curaçao developed a policy framework to make primary care more readily available to all citizens.

H. Education

1. Civic education/ human rights education[47]

94. Civic education is a core task of Dutch education. It covers knowledge of the country's political institutions, the rules of Dutch society and corresponding behaviour. In January 2016, the Education Platform 2032 issued an advisory report on a new, future-oriented curriculum for primary and secondary education, in which it recommended giving civic education a more prominent place in the curriculum. The aim of this advice is to teach pupils about children's rights, human rights, the meaning of 'a democracy governed by the rule of law', and the collective values that underpin Dutch society. The publication of this report was followed by an in-depth study of the issues, which was completed in November 2016. The follow-up trajectory will be determined soon, that will culminate in an update of the curriculum.

95. Secondary vocational education has the task to promote the general education and personal development of students and to contribute to their social functioning. In secondary vocational education, civic education is an integral part of the curriculum. Recently, critical thinking skills and knowledge of human rights have been added to the requirements for civic education in secondary vocational education, in order to increase the social resilience of students.

96. In Aruba, civic education is included in the school curriculum at all educational levels, and these curricula are built up in a consistent line. Civic teaching materials that are appropriate to the Aruban context are being developed.

2. Radicalisation and education

97. If a young person radicalises, whether in the sphere of religion, animal rights, or political ideology, school is one of the places where this may become visible. A number of initiatives exist that can support educational establishments in their efforts to tackle radicalisation:

- The School & Safety Foundation supports and advises schools on all topics relating to (social) safety in schools. Topics range from bullying, sexual abuse, drug use, crisis management and LHBT safety to support and training on how to recognize and deal with radicalization. They also train and support teachers in engaging pupils in discussions about current events, social tensions and human rights. In addition, immediately after the Brussels attacks, this foundation posted guidelines online[48] to help teachers deal with pupils' questions, emotions, and opinions. A helpdesk is also available;
- Schools for senior secondary vocational education are also using a range of methods and instruments to enhance their approach to civic education. The civic education network, in which teachers meet to share information and to learn from each other, is undergoing further professionalization;
- Teacher training courses are doing more to help teachers develop the necessary skills to raise controversial subjects with pupils. Teacher training courses are also paying more attention to education and development in the widest sense;
- The Safe & Open Higher Education programme was set up as a platform to support institutions of higher professional education and universities in their continuing efforts to offer students and staff a safe work and study environment;
- A complementary approach has been developed within eighteen priority municipalities. Based on a risk analysis, these municipalities have made an inventory of the specific needs of their educational establishments, to whom extra support and training is (pro-actively) offered.

3. Education for school-age asylum seekers[49]

98. Child asylum seekers in the Netherlands are entitled to attend school as soon as possible after they have reached a safe and peaceful refuge. Policy is geared towards ensuring that school-age asylum seekers attend school as soon as possible. An important practical consideration here is the need for a certain degree of stability in the child's living conditions. Due to the current large, rapid influx of asylum seekers,[50] it is not always feasible for child asylum seekers to attend school from the day they arrive in the Netherlands.

4. Safety at school

99. Since August 2015, all primary and secondary schools in the Netherlands have a statutory obligation to guarantee social safety. Each school must draw up its own social safety policy, together with all those involved in the school (pupils, teachers, participation council, and parents) and apply it rigorously in the school's day-to-day operations. The impact of policy should be monitored, so that measures are based on the actual situation at the school and any changes that take place. The law prescribes that every school must appoint someone to coordinate policy on bullying and to serve as a contact point.

5. Safe School Protocol in Aruba

100. In 2011 a Safe School Protocol was signed in Aruba between all relevant stakeholders, creating a basis for cooperation. The members meet regularly and together try

to find solutions for practical problems. They will also provide input to shape the safe school policy that is to be developed.

101. The safe school guide and manual has been introduced at all schools. The manual describes best practices and policy on subjects such as: reducing potential security risks at school, rules and regulations regarding teacher and student conduct, security at schools, methods to combat drug abuse and bullying.

6. Free education in Curaçao

102. The National Ordinance for Free Education, introduced in Curaçao in June 2016, provides free primary and secondary education, including secondary vocational education, to all children aged 4 to 18, in public and private schools that receive public funds, without any parental contribution or any fees for materials being charged. In this context, three provisions have been incorporated into the National Ordinance:

- a regulation in which the government makes teaching materials available on loan;
- a regulation providing access to all educational facilities without any parental contribution; and
- a regulation to finance additional costs.

103. With this new Ordinance, 32,000 students between the ages of 4–18, have access to regular education without a significant impediment to parents and guardians.

I. Freedom of expression

1. Hate speech[51]

104. The freedom of expression applies to every citizen, including politicians. It is, however, limited by articles 137c and 137d of the Penal Code, which prohibit intentional insult of, or incitement to hate, discrimination or violence against a group of persons because of their race, religion or belief, sex, sexual orientation or handicap. In 2014, the Public Prosecution Office prosecuted 134 cases on the basis of these provisions. In 2017, a covenant will be concluded between the Public Prosecution Office, the police and antidiscrimination organisations to promote cooperation in this area.

105. With regard to online hate speech, there is a national reporting point for criminal, discriminatory statements on the Internet (MiND). In 2017, a public awareness campaign against hate speech on the Internet will be launched. In cooperation with Twitter, Facebook and YouTube, organisations in the Netherlands are identified to which these companies can offer support to formulate counter speech against discriminatory statements on social media.

2. Right to strike in Aruba

106. Legal practice and case law have rendered the restrictions on public servants' right to strike obsolete. Public servants' right to strike is an acquired right, the lawfulness and effectiveness of which are examined by the courts. In both the public and private sectors, the right to strike is a last resort, and with growing frequency over the years the courts have ruled that this right constitutes a legitimate form of action.

107. The ban on strike action by public servants has been excluded from Aruba's revised Criminal Code, which entered into effect in 2014. Notification of the withdrawal of the reservation to article 8(1)(d) ICESCR has been deposited with the United Nations.

Notes

[1] See: recommendation 98.32.
[2] See: recommendation 98.34.
[3] See: the annex to the Netherlands' National UPR Mid-term Report (2014), also available at https://www.government.nl/documents/policy-notes/2014/03/19/national-action-plan-on-human-rights.
[4] See: recommendations 98.27, 98.28, 98.29 and 98.30.
[5] See: the annex to the Netherlands' National UPR Mid-term Report (2014), also available at https://www.government.nl/documents/policy-notes/2014/03/19/national-action-plan-on-human-rights.
[6] See: recommendations 98.21, 98.22, 98.23, 98.24 and 98.25.
[7] See: recommendation 98.26.
[8] Article 90 of the Dutch Constitution.
[9] See: recommendations 98.3, 98.5, 98.6, 98.9, 98.10, 98.11, 98.62 and 98.102.
[10] See: recommendations 98.9 and 98.15.
[11] See also: para. 23.
[12] Available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2014/01/30/national-action-plan-on-business-and-human-rights/national-action-plan-en-def-rijkshuisstijl.pdf.
[13] See: https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec%282016%293&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true.
[14] See: recommendations 98.38, 98.46 and 98.50.
[15] See: recommendations 98.51 and 98.58.
[16] The National Action Programme to combat discrimination is annexed to this report.
[17] See: recommendation 98.68.
[18] See: recommendations 98.44 and 98.92.
[19] See: para. 27.
[20] See: recommendation 98.40.
[21] See: recommendation 98.57.
[22] See: paras. 26–27.
[23] See: recommendations 98.39, 98.40, 98.41 and 98.62.
[24] For example: *Eigen Kracht* and *Kracht on Tour*.
[25] For example: Single Super Mom, How 2 Spend It and *De Nieuwe Toekomst* ('The New Future').
[26] See: recommendations 98.93, 98.94 and 98.95.
[27] See: para. 28.
[28] See: para. 28.
[29] See: recommendations 98.31 and 98.89.
[30] See: recommendation 98.44.
[31] "Naturally together", see: www.natuurlijksamen.org.
[32] See: recommendations 98.41 and 98.62. For children's rights in relation to education, see: paras. 94–103.
[33] See: recommendations 98.38, 98.39, 98.76, 98.77, 98.78, 98.79, 98.81, 98.82 and 98.83.
[34] See: recommendation 98.84.
[35] Art. 493 of the Code of Criminal Procedure.
[36] See: recommendations 98.18 and 98.75.
[37] The books are called *Diza i su gritunan silensioso*, *Loke a pasa ku Ramita*, and *Fani su nò ta nò*.
[38] http://www.desaroyodihubentut.cw/visie/.
[39] *Veiligheidshuis* in Dutch.
[40] See, for example: *Weber & Saravia v. Germany*, no. 54934/00.
[41] See: recommendations 98.104 and 98.107.
[42] See: recommendations 98.106, 98.108, 98.112 and 98.113.
[43] See: recommendations 98.115 and 98.117.
[44] *Kinderpardon* in Dutch.

[45] Art. 19 of the Admissions Decree.
[46] See: recommendations 98.38, 98.39, 98.71, 98.72, 98.79 and 98.82.
[47] See: recommendations 98.33, 98.98 and 98.99.
[48] See: the Foundation's website at www.schoolenveiligheid.nl.
[49] See: recommendation 98.99.
[50] See also: para. 62.
[51] See: recommendations 98.42, 98.45, 98.52, 98.56, 98.58, 98.61, 98.63, 98.66, 98.70, 98.86, 98.87, 98.88 and 98.90.

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Compilation on the Netherlands

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. It was recommended that the Netherlands ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[3] the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[4] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[5] and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.[6]

3. The Committee on the Rights of the Child encouraged the Netherlands to consider withdrawing its reservations to articles 26, 37 (c) and 40 of the Convention on the Rights of the Child.[7]

4. In 2014, the Netherlands submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2012.[8]

5. In 2012, the United Nations High Commissioner for Human Rights carried out a mission to the Netherlands.[9]

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6. The Netherlands contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012,[10] 2013,[11] 2014,[12] 2015[13] and 2016,[14] including to the United Nations Voluntary Funds for the Implementation of the Universal Periodic Review and for the Victims of Torture and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

III. National human rights framework[15]

7. The Committee against Torture noted the establishment in 2012 of the Netherlands Institute for Human Rights, which was independent from the Government.[16]

8. The Committee on Enforced Disappearances recommended that the Netherlands remove the restriction set out in section 7 (2) of the Netherlands Institute for Human Rights Act in order to ensure unrestricted access of the institute to all places of detention.[17]

9. The Committee against Torture noted that the Netherlands had designated six different bodies as the national preventive mechanism and recommended that it ensure the mechanism's financial and operational independence.[18] In 2015, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment considered that more political support and a solid legal base were required to enable the national preventive mechanism to fully discharge its key mandate.[19]

10. The Committee on the Rights of the Child noted the adoption of several action plans on children's rights in the four countries of the Kingdom and the adoption of the Kingdom-wide Action Plan on Children's Rights, in 2014. It encouraged the Netherlands to ensure that those action plans were provided with sufficient resources and to establish effective mechanisms for monitoring and assessing the implementation of the plans and policies.[20]

11. The Committee on the Elimination of Racial Discrimination welcomed the national action plans on human rights and on human rights and business.[21]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[22]

12. With regard to the recommendation on strengthening actions to combat all forms of discrimination,[23] the Office of the United Nations High Commissioner for Refugees (UNHCR) reported on the steps taken to tackle discrimination, including easily accessible procedures for reporting incidents involving racism and new anti-hate campaigns.[24]

13. The Working Group of Experts on People of African Descent stated that while the Municipal Anti-Discrimination Services Act facilitated the reporting of discrimination to an anti-discrimination service and the provision of professional support, if necessary, not all municipalities had an anti-discrimination policy and the available services were not sufficiently well known to the public. It also stated that the General Equal Treatment Act provided protection against racial discrimination, but did not protect against discrimination based on language and ethnic origin.[25]

14. The Committee on the Elimination of Racial Discrimination was concerned that measures taken to effectively tackle the root causes of racial discrimination were

insufficient and that measures to raise awareness about stereotypes and prevent discrimination were inadequately implemented.[25]

15. The Committee was also concerned about the increase in discrimination against members of Jewish and Muslim communities[27] and in discrimination faced by people of African descent.[28] The Working Group of Experts on People of African Descent stated that racism remained a problem for people of African descent.[29] The Committee was further concerned about reports that Roma, Sinti and Travellers were subjected to significant discrimination regarding access to employment, housing and health care.[30] It noted that there was a lack of ethnically disaggregated data in both the Netherlands and in Curaçao.[31]

16. The Committee was concerned about the relatively high unemployment rate among ethnic minorities and about frequent discrimination on the grounds of race, nationality and religion in recruitment and selection practices by employers and employment agencies.[32]

17. The Committee was concerned about the prevalence of racist discourse in the media and the increase in racist statements and threats on the Internet.[33] The Working Group of Experts on People of African Descent made similar observations.[34] Both the Committee and the Working Group were concerned about incidents of racist and xenophobic speech emanating from a number of extremist political parties and politicians.[35]

18. The Committee on the Elimination of Discrimination against Women was concerned that discriminatory stereotypes and hate speech were targeted at Muslim women, migrant women and asylum-seeking women.[36] The Committee on the Elimination of Racial Discrimination was concerned that women and girls from minority groups were subjected to intersectional discrimination on the basis of both ethnic origin and gender, that they were especially vulnerable to poverty and that they had particular difficulties in accessing employment, education and health care.[37] The Working Group of Experts on People of African Descent stated that women of African descent in the Netherlands suffered compounded discrimination based on racial or ethnic origin, skin colour, socioeconomic status, gender, religion and other status.[38]

19. The Committee on the Elimination of Racial Discrimination was concerned that migrants faced continuing discrimination, particularly in the fields of employment, health care and housing, and about the increase in hostility towards refugees and asylum seekers among the population and the opposition to the opening of new reception centres.[39] The Working Group of Experts on People of African Descent was concerned that the economic crisis had heightened xenophobic and racist attitudes against migrant and refugee communities and that the media had played a role in exacerbating fears around housing and employment using migrants as scapegoats for the negative impact that the crisis had had on Dutch people. It stated that the association of irregular migration with criminality promoted the stigmatization of migrants and provoked a climate of xenophobia against them.[40]

20. The Committee on the Rights of the Child was concerned that refugee children, asylum-seeking children, undocumented children, children belonging to ethnic minorities, children with disabilities, chronically ill children and lesbian, gay, bisexual, transgender and intersex children continued to face discrimination.[41]

21. The Committee on the Elimination of Racial Discrimination was concerned that racial profiling by the police continued and had reportedly produced feelings of mistrust among minority groups and discouraged them from seeking help. It was also concerned that stop-and-search powers were exercised by the police disproportionately with regard to members of minority groups, who were furthermore subjected to higher fines, incidents of harassment and, reportedly, racially biased police brutality.[42]

22. The Working Group of Experts on People of African Descent stated that while there had been an increase in reports of racially motivated crimes and hate crimes, the number of prosecutions and convictions based on hate crimes was low.[47]

23. The Working Group was alarmed at the difference in equality conditions between the Netherlands and Curaçao and recommended that programmes be put in place to bridge the gap between the standards in the same Kingdom.[48]

2. Development, the environment, and business and human rights

24. The Committee on the Elimination of Racial Discrimination was concerned about the involvement of Netherlands businesses in extractive industries and palm oil and soy production abroad that caused adverse effects on the enjoyment of human rights and on the environment.[49] The Committee on the Rights of the Child expressed similar concerns[50] and recommended that the Netherlands, inter alia, establish a clear regulatory framework for the industries under its jurisdiction to ensure that their activities, both at home and abroad, did not negatively affect human rights or endanger environmental and other standards, and ensure effective implementation by companies of international and national environmental and health standards, effective monitoring of the implementation of those standards and appropriate sanctioning and provision of remedies when violations occurred.[51]

B. Civil and political rights

1. Right to life, liberty and security of person[52]

25. The Committee on the Rights of the Child remained concerned that euthanasia could be applied to patients under 18 years of age and was concerned about the insufficient transparency and oversight of the practice.[53]

26. The Committee against Torture noted with concern reports of incidents of death in places of detention, some of which had allegedly been related to the excessive use of physical restraints such as isolation measures.[54]

27. The Committee on the Elimination of Racial Discrimination was concerned about the disappearance from the large-scale reception facilities of a relatively high number of unaccompanied children who might have become victims of human trafficking.[55]

28. The Committee on Enforced Disappearances urged the Netherlands to investigate the disappearance of unaccompanied children from asylum reception centres and to search for and identify those children who might have been the victims of enforced disappearance.[56]

29. The Committee recommended that, inter alia, the definition of enforced disappearance in the International Crimes Act be reviewed to ensure that it was fully compliant with the International Convention for the Protection of All Persons from Enforced Disappearance, and that the legislation be revised with a view to removing the possibility of imposing fines as a stand-alone penalty for the offence of enforced disappearance.[57]

2. Administration of justice, including impunity, and the rule of law[58]

30. The Committee against Torture recommended that the use of pretrial detention be reduced and used as a measure of last resort and that alternative measures to its use be considered.[59]

31. The Committee recommended that criminal procedures and practice be reviewed with a view to guaranteeing to persons in police custody access to a lawyer from the

measure of deprivation of liberty and that the circumstances in which the right to legal assistance could be restricted to avoid arbitrary limitations of the access to a lawyer be defined in law.[59]

52. The Committee recommended that detainees be sensitized about the possibility and procedure for filing a complaint of alleged torture and ill-treatment in detention facilities and that the Netherlands ensure that all allegations of misconduct by detention personnel were duly assessed and investigated.[60]

3. Fundamental freedoms[61]

53. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was criminalized and recommended that it be decriminalized and placed within the civil code.[62]

54. The Working Group of Experts on People of African Descent was concerned about the so-called Bonaire Act, which was being discussed in the Dutch Parliament and which would require Dutch Antilleans from Curaçao, Aruba and Sint Maarten to apply for a residence permit from the Immigration and Naturalization Service to take up residence in the Netherlands. To qualify for the permit, applicants had to meet at least one of four criteria, namely, have a job; have enough money to support themselves; be admitted to a Dutch school; or have a close relative living in the Netherlands. An immediate impact of that would be the exclusion of Dutch Antilleans living in the Netherlands from Government assistance such as social security and social housing.[63]

4. Prohibition of all forms of slavery[64]

55. The Committee on the Elimination of Discrimination against Women welcomed the increase in the prosecution of cases of human trafficking, which was partly owing to the use of specialized prosecutors and criminal investigators. However, it was concerned at the prevalence of trafficking of women and girls for sexual exploitation.[65] The Committee against Torture recommended that the Netherlands, inter alia, prevent and promptly, thoroughly and impartially investigate, prosecute and punish human trafficking and provide adequate protection and means of redress to victims of trafficking.[66]

5. Right to family life

56. The Committee on the Rights of the Child was concerned about the establishment of so-called "baby boxes" that allowed the anonymous abandonment of children and urged the Netherlands to end the baby box initiatives and, instead, to strengthen and promote alternatives in order to prevent unwanted pregnancies and child abandonment. It recommended introducing, as a measure of last resort, the possibility of confidential hospital births.[67]

57. The Committee was concerned that the number of children placed in institutions remained high and about the shortage of suitable foster families and substitute family homes.[68]

58. The Committee on Enforced Disappearances was concerned at information regarding cases of illegal adoption and encouraged the Netherlands to consider establishing specific procedures for the review and, where appropriate, annulment of adoptions or placements that originated in an enforced disappearance.[69]

C. Economic, social and cultural rights

1. Right to an adequate standard of living[67]

39. The Committee on the Rights of the Child was concerned about significant cutbacks in the budget that affected families and children living on minimum incomes, about the substantial increase in poverty among children, particularly children in single-parent families and children in welfare-dependant families and that only a few municipalities had adopted policies to tackle poverty among children in such families.[68]

40. The Committee on the Elimination of Discrimination against Women noted with concern that women and children were at higher risk of poverty than men and that women accumulated lower pension benefits than men, which resulted in higher poverty rates among older women.[69]

2. Right to health

41. The Committee on the Rights of the Child recommended that measures be taken to prevent infant mortality by providing effective and quality neonatal and other care services for infants.[70]

42. The Committee was concerned about limited access to health-care services for children with low economic and/or social status and undocumented children.[71]

43. The Committee was also concerned that the number of teenage pregnancies, especially in the Caribbean part of the Kingdom, remained high.[72] It recommended that a comprehensive sexual and reproductive health policy for adolescents be adopted and that sexual and reproductive health education be ensured as part of the mandatory school curriculum, with special focus on preventing early pregnancy and sexually transmitted infections.[73]

3. Right to education[74]

44. The Committee on the Rights of the Child was concerned about the significant number of children from lower socioeconomic backgrounds and single-parent families who dropped out from secondary school.[75]

45. The Committee on the Elimination of Racial Discrimination was concerned about continuing disparities in educational achievement and school dropout rates between students from ethnic minority groups and students from the majority group.[76] The Working Group of Experts on People of African Descent noted that pupils from ethnic minority groups were disproportionally referred to special education, partly because of behavioural and psychological problems.[77]

46. The Working Group and the Committee on the Elimination of Racial Discrimination were concerned about racist bullying in schools.[78] The Committee on the Rights of the Child recommended that bullying in schools be combated by effectively implementing legislation and policies in that regard.[79]

47. The Working Group of Experts on People of African Descent was concerned by the absence of human rights education in the national curriculum.[80] UNESCO made similar observations.[81]

D. Rights of specific persons or groups

1. Women[82]

48. The Committee on the Elimination of Discrimination against Women was concerned at the continued horizontal and vertical occupational segregation, with women concentrated in part-time work, predominantly owing to childcare responsibilities, and the persistent gender wage gap.[83] It called for the realization of substantive gender equality throughout the process of implementation of the 2030 Agenda for Sustainable Development.[84]

49. The Committee was concerned at the high number of women who were victims of domestic violence. It recommended that the Netherlands, inter alia, ensure that prosecutors and police were properly trained to identify, investigate and prosecute cases of gender-based violence and revise its policy on domestic violence to replace the gender-neutral approach with a gender-sensitive approach.[85]

50. The Committee commended the Netherlands for achieving at least 30 per cent representation of women in both houses of Parliament and at the ministerial level. However, it was concerned at the small number of women mayors, professors and senior diplomats.[86]

2. Children[87]

51. The Committee on the Rights of the Child was concerned about the increasing number of incidents related to child maltreatment, particularly neglect of children and domestic violence, and about sexual abuse of children in residential institutions and foster care, particularly abuse of children with mental-health conditions. It recommended that the Netherlands, inter alia, strengthen efforts to prevent violence, investigate all cases, prosecute alleged perpetrators, punish the convicted and adequately compensate and rehabilitate the victims.[88]

52. The Committee recommended that national legislation address all forms of violence, explicitly prohibit corporal punishment in all settings and include measures to raise awareness about positive, non-violent and participatory forms of child-rearing throughout the Kingdom, particularly in Aruba and the Caribbean Netherlands.[89]

53. The Committee was concerned about the large number of violations of child labour regulations with respect to working and rest time, hazardous work and the lack of sanctions against companies violating the regulations. It was also concerned that, despite the age limit of 15 years for employment, many children aged 12 were reportedly involved in the labour market.[90]

54. The Committee noted the comprehensive action plan on the "issue of loverboys" (i.e., sexual and other exploitation of children) but was concerned about the deficiencies in identifying child victims of loverboys and trafficking. It recommended that the Netherlands ensure that such victims were provided with protection and rehabilitation by establishing effective inter-agency cooperation at both the domestic and international levels and that child victims of trafficking be entitled to a special residency scheme regardless of their cooperation in criminal proceedings.[91]

55. The Committee was concerned about the systematic detention of children in police custody and the high number of children held in pretrial detention for lengthy periods of time, the absence of specific protocols for juvenile suspects in police cells, where they were detained in the same cell blocks as adults, and the absence of legal aid to children below the age of 12 years interrogated by the police and to children suspected of committing minor offences.[92]

56. The Committee noted the adoption of the new Adolescent Criminal Law in 2014, but was concerned that the law allowed for children 16 and 17 years of age to be prosecuted under the adult criminal law in cases where charges involved very grave offences and sent to serve their sentences in adult penitentiary institutions.[93]

57. The Committee urged the Netherlands to amend the laws relating to the juvenile justice system to ensure that all children below the age of 18 years were treated under the juvenile justice laws, irrespective of the gravity of the charges brought against them, ensure that deprivation of liberty of any child below the age of 18 years was used as a measure of last resort only and for the shortest possible period of time, promote alternative measures to detention and, in cases where detention was unavoidable, ensure that the children were not detained together with adults and that detention conditions were compliant with international standards.[94]

58. The Committee encouraged the Netherlands to raise the minimum age of voluntary recruitment in the military to 18 years[95] and recommended that it ensure explicit criminalization of recruitment of children under the age of 18 years by non-State armed groups.[96]

59. The Committee was concerned about the high rate of suicide among adolescents and urged the Netherlands to provide children at risk with easy access to necessary psychological care.[97]

3. Persons with disabilities[98]

60. The Committee on the Rights of the Child urged the Netherlands to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities, ensure sufficient places for all children with disabilities in the mainstream education system and provide access to inclusive education without delay.[99]

61. The Committee against Torture was concerned at the high number of people with mental and psychosocial disabilities who were held in mental health institutions on an involuntary basis, often for a lengthy period of time, and the frequent use of solitary confinement, restraints and forced medication, which might amount to inhumane and degrading treatment. It was also concerned at the lack of focus on alternatives to hospitalization of persons with mental and psychosocial disabilities and of effective and impartial investigation of the excessive use of restrictive measures in mental health institutions.[100]

4. Minorities

62. The Committee on the Elimination of Racial Discrimination recommended that the Netherlands establish an effective arrangement for dialogue with representatives of minority groups in order to be properly informed about their problems and needs, develop and implement, with their participation, policies and programmes to improve their situation and make such dialogue mandatory at the central level and at the level of the provinces and municipalities.[101]

63. The Committee recommended that specific measures be taken in favour of Roma, Sinti and Travellers, including by creating better opportunities in the labour market, combating discrimination in education and housing and tackling the problems faced by Roma regarding registration status and statelessness. The Committee also recommended that the Netherlands ensure that Travellers were provided with sufficient campsites so as to practise their traditions and preserve their cultural identity.[102]

64. The Working Group of Experts on People of African Descent noted that poverty was the main challenge faced by people of African descent, compounded by wage gaps, high

unemployment, lack of political participation and lack of effective national institutions to change the situation.[103] It concluded that targeted policies and affirmative action policies should be adopted to promote effective equality of people of African descent and specifically address, among others, low access to quality education; high dropout rates and overrepresentation of African descendants in special classes; lack of sufficient political participation of people of African descent; lack of appropriate representation of people of African descent in public sector employment, especially in the judiciary, police, army and other branches of the civil service; lack of adequate reflection of the diversity of the Netherlands in the higher ranks of the civil service; and insufficient participation of people of African descent in the private labour market.[104] The Committee on the Elimination of Racial Discrimination made similar observations.[105]

5. Migrants, refugees and asylum seekers[106]

65. The Working Group of Experts on People of African Descent stated that irregular migrants were reportedly more likely to face discrimination, exclusion and abuse because of their vulnerable situation and they often worked in informal and exploitative conditions in which they could not seek protection. It stated that migrants could be detained without having committed a recognizably criminal offence.[107]

66. The Committee on the Elimination of Racial Discrimination was concerned that undocumented migrants received assistance only if they cooperated in their own departure.[108] The Working Group of Experts on People of African Descent stated that it had heard allegations from migrants in irregular situations that they had been prevented from accessing adequate health care or renting suitable accommodation.[109]

67. The Committee recommended that the Netherlands ensure that undocumented migrants were provided with food and shelter, as appropriate, in all circumstances prior to deportation, and that they were granted the right to obtain health care in all constituent parts of the country.[110] In 2014, three Special Rapporteurs urged the Government to provide homeless irregular migrants with emergency assistance, such as food, clothing and shelter.[111] In 2016, the same Special Rapporteurs argued that the various forms of shelter provided to irregular migrants still failed to prevent them from becoming homeless. They continued to urge the Government to provide emergency assistance to homeless migrants in an irregular situation.[112]

68. UNHCR reported that the Netherlands had faced a significant increase in first-time asylum-seeking applications in 2014 and in 2015 and that the arrival of asylum seekers reunifying with family members had almost tripled in 2015 compared to 2014. It reported that the significant increase in the number of asylum seekers had resulted in a backlog in the processing of asylum claims so that asylum seekers had to wait six to eight months on average before they could present their asylum claims to the immigration authorities and another nine months before they could be reunited with their partner and their children.[113]

69. The Committee against Torture was concerned at reports that asylum seekers arriving at Schiphol airport, Amsterdam, were systematically detained for an average duration of 44 days for failure to comply with the necessary visa requirements.[114] The Committee on the Elimination of Racial Discrimination was concerned about the lengthy immigration detention, poor living conditions in immigration detention centres and detainees being subjected to the same security measures and disciplinary punishments as convicted criminals.[115] The Committee against Torture was particularly concerned about the reports it had received with regard to confinement in cells for 16 hours, the absence of daytime activities, the use of isolation cells and handcuffs and strip searches of aliens.[116]

70. The Committee against Torture urged the Netherlands to ensure that the detention of asylum seekers was used only as a last resort and, where necessary, for as short a period as

possible and without excessive restrictions, and to effectively establish and apply alternatives to detention for asylum seekers.[117] The Committee recommended that the absolute time limit for the administrative detention of foreign nationals, including in the context of repeated detention, be scrupulously observed and that, wherever possible, the accumulation of administrative and penal detention in excess of the absolute time limit of 18 months for migrants under migration law be avoided.[118]

71. With regard to the recommendation[119] from the previous cycle on reviewing asylum procedures with a view to expediting the decisions on child asylum seekers and facilitating family reunification of vulnerable children, UNHCR reported that a more lenient family reunification policy for adult children had been announced in 2015. However, owing to the increase in the number of asylum seekers, which had resulted in a backlog in processing asylum claims, it was unclear whether cases concerning unaccompanied children were processed in an expeditious manner. As a result of the prolonged waiting and processing time, unaccompanied minors who reached adulthood before receiving refugee status lost the right to family reunification.[120]

72. UNHCR recommended that asylum requests from unaccompanied minors be dealt with efficiently and rapidly and that family reunification requests be processed in an expeditious manner.[121] The Committee on the Rights of the Child recommended that the Netherlands avoid detaining children and families in reception centres with limited freedom of movement and ensure that their living standards were adequate.[122]

73. The Committee on the Elimination of Racial Discrimination was concerned about domestic violence not being recognized as a ground for asylum and about reports of cases of refoulement of asylum seekers fearing persecution because of their sexual orientation.[123]

74. The Committee against Torture urged the Netherlands to use restraints on foreign nationals during forced returns, only in accordance with the principle of proportionality and to investigate any incidents of excessive use of restraints and force during forced returns.[124]

75. The Working Group of Experts on People of African Descent stated that migrants, asylum seekers and refugees faced barriers in accessing information about services, particularly concerning health, education and employment, and had limited access to health care and other protection systems.[125]

76. UNHCR recommended that the Governments of the constituent countries of the Kingdom adopt comprehensive integration policies that protected the civil, political, social and cultural rights of recognized refugees.[126]

6. Stateless persons

77. UNHCR noted a package of proposals to establish a statelessness determination procedure, amend the Nationality Act and abolish reservations to the 1954 Convention relating to the Status of Stateless Persons. It recommended that the Netherlands include in the proposed legislation a provision to grant a residence permit to persons recognized as stateless, so as to ensure their enjoyment of their basic rights under the 1954 Convention.[127]

78. The Committee on the Rights of the Child welcomed the fact that the Netherlands was in the process of amending the Nationality Act in order to extend access to Dutch citizenship to stateless children born in the Netherlands without a legal residence permit. However, the proposed amendments did not extend that right to children whose parents did not cooperate with the authorities.[128] UNHCR recommended that the requirement that parents not obstruct their departure and not withdraw themselves from supervision by the authorities be deleted from the proposed amendments to the Act.[129]

E. Specific regions or territories[130]

79. In 2014, the Committee on Enforced Disappearances invited the Netherlands to accelerate the process for the extension of the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the acceptance of the competence of the Committee under articles 31 and 32 of the Convention by Aruba, Curaçao and Sint Maarten.[131]

80. UNHCR recommended that Curaçao and Sint Maarten accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[132]

81. The Committee against Torture regretted that the mandate of the Netherlands Institute for Human Rights did not cover the autonomous territories of the Kingdom. While noting the commitment made by the Governments of Aruba and Curaçao in the context of the universal periodic review to establish similar but separate institutions, the Committee recommended that the separate national human rights institutions be established as a matter of priority.[133]

82. The Committee on the Rights of the Child recommended that independent mechanisms for monitoring the realization of children's rights be established in Curaçao and Sint Maarten, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[134]

83. The Working Group of Experts on People of African Descent noted that, despite being better educated than men, women had limited employment opportunities in Curaçao and their political participation was also limited.[135] The Committee on the Elimination of Discrimination against Women was concerned about the underrepresentation of women in political and public life and in high-level decision-making positions in Curaçao.[136]

84. The Working Group stated that while the Dutch Caribbean had a predominant population of people of African descent, manifestations of racism and racial discrimination were prevalent.[137]

85. Although the Curaçao Criminal Code made several acts of discrimination criminal offences, the Working Group was concerned that, owing to the lack of mechanisms and awareness, complaints and cases related to racial discrimination in Curaçao were largely underreported.[138] It recommended that an equality body and a network of local anti-discrimination services be established in Curaçao.[139]

86. The Committee against Torture noted that no advocates were based in Sint Eustatius and Saba and that suspects held in police custody in Sint Eustatius often signed a waiver to have a lawyer present during the first police interrogation.[140] The Working Group of Experts on People of African Descent was concerned about the low number of native Curaçaon lawyers and judges.[141]

87. The Committee against Torture expressed concern at the alleged incidents of illegal use of force, insults and mistreatment in the Koraal Specht prison in Curaçao and the cells in the police stations in Sint Maarten, Bonaire and Aruba, as well as at ethnic profiling by the police and border guards aimed particularly at foreigners and members of minorities.[142]

88. The Working Group of Experts on People of African Descent found that there was a lack of basic services in the only prison in Curaçao, including the provision of water supplies for detainees.[143]

89. The Committee against Torture was concerned at the length of pretrial detention in Aruba and Curaçao and recommended that the Governments of Aruba and Curaçao review their criminal legislation to further shorten the length of pretrial detention and guarantee suspects the right to be brought before a judge within one or two days of arrest.[144]

90. The Committee was concerned about the lack of independent, impartial and effective investigations of inter-prisoner violence in Aruba and Curaçao.[145]

91. The Committee on the Rights of the Child was concerned that children in the Caribbean part of the Kingdom did not enjoy the same rights as children in the European part.[146]

92. The Committee was concerned about the absence of legal provisions expressly prohibiting corporal punishment of children in all settings in Aruba, and in the home, alternative care settings, day care and schools in the Caribbean Netherlands.[147]

93. The Committee on the Elimination of Racial Discrimination noted with concern that children in Aruba and Curaçao were educated in Papiamento and Papiamentu, respectively, only until the end of primary school.[148] The Working Group of Experts on People of African Descent made similar observations.[149] The Committee recommended that adequate recognition be given to mother tongues and that bilingual education be introduced in Aruba and Curaçao.[150]

94. The Committee on the Elimination of Discrimination against Women was particularly concerned that abortion was illegal in Sint Maarten and that the Penal Code criminalized anyone who provided abortion-related information or services and that, in Curaçao, contraceptives were not covered by health insurance.[151]

95. The Committee on the Elimination of Racial Discrimination was concerned that access by undocumented migrants to basic health care was limited in Curaçao and in Aruba.[152]

96. The Working Group of Experts on People of African Descent recommended that the Netherlands increase its financial support to Curaçao, including funds to combat racism and racial discrimination, that all legislative proposals that resulted in differential treatment to Dutch citizens from Aruba, Sint Maarten and Curaçao and affected their freedom of movement within the Kingdom be repealed and that the political participation of Curaçao in the international arena, particularly in areas where it was directly involved, be increased.[153]

97. UNHCR stated that neither Curaçao nor Sint Maarten had in place legislation or regulations governing asylum and that there was no legislation to implement the 1967 Protocol to the 1951 Convention relating to the Status of Refugees in Aruba.[154]

98. With regard to the recommendation from the previous cycle[155] to review migration policies to ensure the full application of international standards, UNHCR stated that there was a need to strengthen asylum procedures throughout the Dutch Caribbean and it recommended that Aruba, Curaçao and Sint Maarten develop and implement asylum legislation and procedures consistent with international standards.[156]

99. The Working Group of Experts on People of African Descent observed that major oil refineries had caused environmental damage in Curaçao, including to local fishing, which was a main activity in Curaçao, and that the Government had not taken action to remedy the damages.[157]

100. The Working Group was concerned about the lack of technical and financial assistance available to curb the damages resulting from environmental degradation in Curaçao.[158]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Netherlands will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/NLSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/15, paras. 98.1-98.16.
[3] See CAT/C/NLD/CO/5-6, para. 32, CRC/C/NLD/CO/4, para. 64, CEDAW/C/NLD/CO/6, para. 50, and CERD/C/NLD/CO/19-21, para. 39.
[4] See CRC/C/NLD/CO/4, para. 63, and CAT/C/NLD/CO/5-6, para. 32.
[5] See CRC/C/NLD/CO/4, para. 64, and CAT/C/NLD/CO/5-6, para. 32.
[6] See CAT/C/NLD/CO/5-6, para. 32.
[7] See CRC/C/NLD/CO/4, para. 7.
[8] See "Netherlands" at www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[9] OHCHR, "Impunity and the rule of law", in *OHCHR Report 2012*, p. 42.
[10] OHCHR, *OHCHR Report 2012*, "Funding", pp. 117, 121 and 122; "Financial statements as at 31 December 2010", pp. 138, 140, 141 and 144; and "Donor profiles", p. 165.
[11] OHCHR, *OHCHR Report 2013*, "Funding", pp. 131, 135 and 136; "Financial statements as at 31 December 2013", pp. 153, 154, 156, 159 and 160; "Funds administered by OHCHR", pp. 166, 168 and 169; and "Donor profiles", p. 181.
[12] OHCHR, *OHCHR Report 2014*, "Funding", pp. 63, 67 and 68; "Financial statements as at 31 December 2014", pp. 86, 87, 89, 92 and 93; "Funds administered by OHCHR", pp. 96, 99, 101, 102 and 103; and "Donor profiles", p. 115.
[13] OHCHR, *OHCHR Report 2015*, "Funding", pp. 61, 65 and 66; "Financial statements as at 31 December 2015", pp. 83, 84, 86, 88, 90 and 91; "Funds administered by OHCHR", pp. 96, 97, 99 and 100; and "Donor profiles", p. 112.
[14] OHCHR, *OHCHR Report 2016* (forthcoming).
[15] For relevant recommendations, see A/HRC/21/15, paras. 98.21, 98.25, 98.27, 98.30 and 98.76.
[16] See CAT/C/NLD/CO/5-6, para. 29; also CRC/C/NLD/CO/4, para. 18, CED/C/NLD/CO/1, para. 24, and A/HRC/30/56/Add.1, para. 32.
[17] See CED/C/NLD/CO/1, para. 25.
[18] See CAT/C/NLD/CO/5-6, paras. 7 and 28; also CED/C/NLD/CO/1, para. 25.
[19] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16284&LangID=E.
[20] See CRC/C/NLD/CO/4, paras. 8-9.
[21] See CERD/C/NLD/CO/19-21, para. 6.
[22] For relevant recommendations, see A/HRC/21/15, paras. 98.34, 98.36, 98.38-98.50, 98.53-97.57, 98.59-98.68, 98.70, 98.74, 98.87-98.89, 98.92-98.93, 98.96 and 98.103.
[23] For the relevant recommendation, see A/HRC/21/15, para. 98.41.
[24] UNHCR submission for the universal periodic review of the Netherlands, p. 2.
[25] See A/HRC/30/56/Add.1, para. 27.
[26] See CERD/C/NLD/CO/19-21, para. 13 (a).
[27] Ibid., para. 11.
[28] Ibid., para. 15.
[29] See A/HRC/30/56/Add.1, para. 15.
[30] Ibid., para. 19.
[31] Ibid., para. 49.
[32] See CERD/C/NLD/CO/19-21, para. 23.
[33] Ibid., para. 11.
[34] See A/HRC/30/56/Add.1, paras. 102 and 121.
[35] See CERD/C/NLD/CO/19-21, para. 11, and A/HRC/30/56/Add.1, para. 96.
[36] See CEDAW/C/NLD/CO/6, para. 21.
[37] See CERD/C/NLD/CO/19-21, para. 35.
[38] See A/HRC/30/56/Add.1, para. 88.
[39] See CERD/C/NLD/CO/19-21, paras. 21 and 33.
[40] See A/HRC/30/56/Add.1, paras. 92 and 100.
[41] See CRC/C/NLD/CO/4, para. 24.

[42] See CERD/C/NLD/CO/19-21, para. 13; also CAT/C/NLD/CO/5-6, para. 19, A/HRC/30/56/Add.1, paras. 76 and 116, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148615:NO.
[43] See A/HRC/30/56/Add.1, para. 97; also CERD/C/NLD/CO/19-21, para. 25.
[44] See A/HRC/30/56/Add.1, para. 124.
[45] See CERD/C/NLD/CO/19-21, para. 37.
[46] See CRC/C/NLD/CO/4, para. 22.
[47] Ibid., para. 23; see also CERD/C/NLD/CO/19-21, para. 38.
[48] For relevant recommendations, see A/HRC/21/15, paras. 98.115 and 98.117.
[49] See CRC/C/NLD/CO/4, para. 28.
[50] See CAT/C/NLD/CO/5-6, para. 26.
[51] See CERD/C/NLD/CO/19-21, para. 33 (c).
[52] See CED/C/NLD/CO/1, paras. 36-37.
[53] Ibid., paras. 15 and 17.
[54] For the relevant recommendation, see A/HRC/21/15, para. 98.73.
[55] See CAT/C/NLD/CO/5-6, para. 20.
[56] Ibid., para. 10.
[57] Ibid., para. 22.
[58] For the relevant recommendation, see A/HRC/21/15, para. 98.86.
[59] See UNESCO submission for the universal periodic review of the Netherlands, paras. 75 and 87.
[60] See A/HRC/30/56/Add.1, para. 29.
[61] For the relevant recommendation, see A/HRC/21/15, para. 98.80.
[62] See CEDAW/C/NLD/CO/6, para. 27.
[63] See CAT/C/NLD/CO/5-6, para. 25; also CEDAW/C/NLD/CO/6, para. 28.
[64] See CRC/C/NLD/CO/4, paras. 34-35.
[65] Ibid., para. 38.
[66] See CED/C/NLD/CO/1, paras. 38-39.
[67] For relevant recommendations, see A/HRC/21/15, paras. 98.35 and 98.97.
[68] See CRC/C/NLD/CO/4, paras. 14 and 48.
[69] See CEDAW/C/NLD/CO/6, para. 39.
[70] See CRC/C/NLD/CO/4, para. 43 (a).
[71] Ibid., para. 42 (c)-(d).
[72] Ibid., para. 46.
[73] Ibid., para. 47 (a). See also UNESCO submission, paras. 55 and 85.
[74] For relevant recommendations, see A/HRC/21/15, paras. 98.33 and 98.98-98.99.
[75] See CRC/C/NLD/CO/4, para. 50 (b).
[76] See CERD/C/NLD/CO/19-21, para. 31.
[77] See A/HRC/30/56/Add.1, para. 66.
[78] Ibid., para. 65. See also CERD/C/NLD/CO/19-21, para. 13 (e).
[79] See CRC/C/NLD/CO/4, para. 51 (d); also UNESCO submission, para. 85.
[80] See A/HRC/30/56/Add.1, para. 64.
[81] See UNESCO submission, para. 84.
[82] For relevant recommendations, see A/HRC/21/15, paras. 98.71-98.72, 98.79, 98.82 and 98.93-98.95.
[83] See CEDAW/C/NLD/CO/6, para. 35. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148612:NO.
[84] See CEDAW/C/NLD/CO/6, para. 48.
[85] Ibid., paras. 23-24.
[86] Ibid., para. 31.
[87] For relevant recommendations, see A/HRC/21/15, paras. 98.18, 98.75, 98.77-98.78 and 98.81-98.84.
[88] See CRC/C/NLD/CO/4, paras. 36-37.
[89] Ibid., para. 37 (e).
[90] Ibid., para. 54.
[91] Ibid., paras. 56-57.
[92] Ibid., para. 58.
[93] Ibid.
[94] Ibid., para. 59 (a)-(b).

[95] See CRC/C/OPAC/NLD/CO/1, para. 11.
[96] Ibid., para. 15.
[97] See CRC/C/NLD/CO/4, paras. 44 (d) and 45 (d).
[98] For the relevant recommendation, see A/HRC/21/15, para. 98.102.
[99] See CRC/C/NLD/CO/4, para. 40, and UNESCO submission, para. 85.
[100] See CAT/C/NLD/CO/5-6, para. 21.
[101] See CERD/C/NLD/CO/19-21, para. 28.
[102] Ibid., para. 20.
[103] See A/HRC/30/56/Add.1, para. 53.
[104] Ibid., para. 112. See also paras. 56, 60, 69 and 70.
[105] See CERD/C/NLD/CO/19-21, paras. 15-16.
[106] For relevant recommendations, see A/HRC/21/15, paras. 98.19, 98.100, 98.106-98.108, 98.110, 98.112-98.115 and 98.117.
[107] See A/HRC/30/56/Add.1, para. 91.
[108] See CERD/C/NLD/CO/19-21, para. 21 (c).
[109] See A/HRC/30/56/Add.1, paras. 92.
[110] See CERD/C/NLD/CO/19-21, para. 22 (c).
[111] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15425&LangID=E; also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15519&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15849&LangID=E.
[112] A/HRC/32/53, p. 83 (case No. NLD 1/2016).
[113] UNHCR submission, pp. 1, 3 and 5.
[114] See CAT/C/NLD/CO/5-6, para. 14.
[115] See CERD/C/NLD/CO/19-21, para. 33 (a).
[116] See CAT/C/NLD/CO/5-6, para. 16; also CERD/C/NLD/CO/19-21, para. 33 (a).
[117] See CAT/C/NLD/CO/5-6, para. 14; also CERD/C/NLD/CO/19-21, para. 34.
[118] See CAT/C/NLD/CO/5-6, para. 15.
[119] For the relevant recommendation, see A/HRC/21/15, para. 98.115.
[120] UNHCR submission, pp. 2-3.
[121] UNHCR submission, p. 3.
[122] See CRC/C/NLD/CO/4, para. 53 (d); also CAT/C/NLD/CO/5-6, para. 17.
[123] See CERD/C/NLD/CO/19-21, para. 33; also CAT/C/56/D/613/2014, paras. 8-10.
[124] See CAT/C/NLD/CO/5-6, para. 18.
[125] See A/HRC/30/56/Add.1, para. 91.
[126] UNHCR submission, p. 4.
[127] Ibid., p. 6.
[128] See CRC/C/NLD/CO/4, para. 32.
[129] UNHCR submission, p. 6. See also CRC/C/NLD/CO/4, para. 33.
[130] For relevant recommendations, see A/HRC/21/15, paras. 98.26, 98.34, 98.47-98.48, 98.53, 98.55, 98.59, 98.61, 98.63, 98.70, 98.84 and 98.107.
[131] See CED/C/NLD/CO/1, para. 9.
[132] UNHCR submission, p. 4.
[133] See CAT/C/NLD/CO/5-6, para. 29, CED/C/NLD/CO/1, para. 25, and A/HRC/30/56/Add.1, paras. 28 and 124.
[134] See CRC/C/NLD/CO/4, para. 19.
[135] See A/HRC/30/56/Add.1, para. 89.
[136] See CEDAW/C/NLD/CO/6, para. 31.
[137] See A/HRC/30/56/Add.1, para. 12.
[138] Ibid., para. 73.
[139] Ibid., para. 111.
[140] See CAT/C/NLD/CO/5-6, para. 10.
[141] See A/HRC/30/56/Add.1, para. 124.
[142] See CAT/C/NLD/CO/5-6, para. 19.
[143] See A/HRC/30/56/Add.1, para. 81.
[144] See CAT/C/NLD/CO/5-6, para. 20.
[145] Ibid., para. 23.

[146] See CRC/C/NLD/CO/4, para. 24.
[147] Ibid., para. 36.
[148] See CERD/C/NLD/CO/19-21, para. 31.
[149] See A/HRC/30/56/Add.1, para. 61.
[150] See CERD/C/NLD/CO/19-21, para. 32.
[151] See CEDAW/C/NLD/CO/6, para. 37.
[152] See CERD/C/NLD/CO/19-21, para. 21 (d).
[153] See A/HRC/30/56/Add.1, para. 125.
[154] UNHCR submission, p. 4.
[155] For the relevant recommendation, see A/HRC/21/15, para. 98.107.
[156] UNHCR submission, pp. 3-4.
[157] See A/HRC/30/56/Add.1, para. 71.
[158] Ibid., para. 124.

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Summary of stakeholders' submissions on Netherlands.

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 18 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles[2]

2. The Netherlands Institute for Human Rights (NIHR) recommended ratifying the Optional Protocols to the Convention on the Rights of the Child, to the International Covenant on Economic, Social and Cultural Rights and to the International Convention on the Rights of Persons with Disabilities.[3]

3. The Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture did not apply to the Caribbean part of the Netherlands.[4]

4. Regarding recommendation no. 98.27[5] from the universal periodic review of 2012 (UPR) on the formulation of a human rights action plan, NIHR reported that the scope of

[1] The present document was not edited before being sent to United Nations translation services.

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the National Action Plan on Human Rights, which was adopted in 2013 was limited and its implementation was neither monitored nor evaluated.[6]

5. In 2015 and 2016, the Government invested in improving the registration of complaints of cases of islamophobia, and racial and religious discrimination. Nevertheless, only a limited number of complains submitted to Anti-Discrimination Services and of reports on discrimination filed with the police had led to the Public Prosecution Service starting up criminal proceedings.[7]

6. Regarding recommendation no. 98.44[8] on discrimination in the labour market, NIHR noted that discrimination in labour market had been a serious and structural problem.[9] NIHR referred to reports that highlighted the problem of discrimination against migrants from non-Western countries to access to the labour market as stereotypes and prejudices had a negative impact in their recruitment.[10] Women had experienced discrimination in employment owing to pregnancy and motherhood. Women got paid less than men for the work of equal value.[11] Discrimination of minority women due to the wearing headscarf was still common in employment. Transgender persons had faced reportedly challenges of accessing the labour market.[12]

7. Similarly, persons with disabilities had encountered discrimination in employment. The 2015 law introduced employment support scheme for persons with disabilities by setting targets for private and public employers to recruit persons with disabilities and envisaging fines in case those targets were not met. However, this support scheme was limited to certain types of disabilities.[13]

8. Regarding recommendation no. 98.39,[14] NIHR reported that the prevalence of violence against women was high and noted the absence of sufficient data to monitor whether the state approach to prevent and combat gender-based violence was effective.[15]

9. Regarding recommendation no. 98.84,[16] NIHR stated that under Dutch law it was permitted to place a minor in a police cell when the minor was suspected of having committed a crime. Under the criminal law, convicted adolescents of 16 or 17 years old could be placed in detention with adults.[17]

10. Regarding recommendation no. 98.102[18] regarding persons with disabilities, NIHR noted the ratification of CRPD in 2016 and amendments made to several laws subsequently. The amended legislation included prohibition of discrimination against persons with disabilities in the provision of goods or services. Under the law on elections, polling stations should be accessible for persons with physical disabilities. NIHR stated that the Government should ensure that voting ballots are also accessible for persons with disabilities.[19]

11. Poverty had been on the rise as a result of the financial crisis. National anti-poverty policies largely focused on economic aspects of poverty and there was little attention for other causes of poverty, nor for the consequences.[20]

12. While noting improvement in the area of health care and education, NIHR stated that the level of poverty in Bonaire, St. Eustatius and Saba remained alarming and living conditions of many inhabitants had worsened. Since the introduction of the US dollar as the standard currency in 2012 the inhabitants experienced price increases and reduced purchasing power. This was particularly harmful for the vulnerable groups in society. Poverty was linked with low levels of education and employment, poor quality of housing, addiction to drugs and alcohol and psychiatric symptoms.[21]

13. Migrants often worked many hours and in unsafe conditions. NIHR concluded that labour exploitation continued and migrant workers faced underpayment and being housed in substandard accommodations.[22]

14. NIHR recommended including human rights education in the curriculum.[23]

15. Regarding recommendation no. 98.115,[24] NIHR noted that the Netherlands did not have a fast-track procedure for asylum applications. The eight-day period applied to everyone. Owing to the growing number of refugees, there was a waiting period of from 4 to 7 months before the eight-day period could start. In 2015, NIHR recommended that the Government prioritize the application of children for asylum and of parents for family reunification. However, the recommendation had not been taken into account.[25]

16. Asylum seekers had been generally housed in reception centers. In 2015 asylum seekers were also housed in emergency shelters, including tents, former prisons and sports facilities. It indicated serious shortage of housing for asylum seekers.[26]

III. Information provided by other stakeholders

A. Scope of international obligations[27] and cooperation with international human rights mechanisms and bodies[28]

17. The Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) urged the authorities to ratify ICRMW, OP-CRPD, OP-CRC-IC, OP-ICESCR,[29] and the CoE Convention on preventing and combating violence against women and domestic violence.[30]

18. CoE-Commissioner recommended the withdrawal of the reservation to Article 37 of CRC.[31]

B. National human rights framework[32]

19. CoE-Commissioner noted that the Netherlands Institute for Human Rights (NIHR) was set up by law in 2011 and was granted the "A" status, in 2014, with respect to the Paris Principles. CoE-Commissioner recommended ensuring adequate funding for NIHR.[33]

20. CoE-Commissioner welcomed the launching of the first National Action Plan on Human Rights (NAPHR) in 2013.[34] The NAPHR did not explicitly foresee an assessment of its implementation and was criticised for being based on limited consultations with members of civil society.[35] Amnesty International (AI) observed several structural weaknesses of NAPHR, including a lack of concrete actions on important issues, such as migration, human rights education and respect for human rights while countering terrorism. So far, the implementation of the Plan had been poor and it had not been adequately monitored and evaluated.[36]

21. Joint Submission (JS) 1 recommended developing clear human rights based criteria and indicators for the realisation of the Sustainable Development Goals.[37]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[38]

22. Muslims for Progressive Values (MPV) stated that discrimination on the grounds of race, ethnicity, nationality, religion, gender, sexual orientation, gender identity and gender expression persisted within public and private spheres.[39]

23. Regarding the UPR recommendations on discrimination,[40] AI reported that the Government drafted policies on various forms of discrimination, including racial discrimination. However, the policies lacked a timeline for implementation and targets and benchmarks for evaluation.[41]

24. The European Commission against Racism and Intolerance (CoE-ECRI) stated that the acts listed in the criminal law provisions against racism and racial discrimination were not prohibited on grounds of citizenship and language. There was no provision explicitly establishing racist motivation as a specific aggravating circumstance in sentencing.[42]

25. The Committee of Ministers of CoE (CoE-CM) reported that expressions of racism and intolerance continued to be reported by persons belonging to different minority groups.[43] The Advisory Committee on the Framework Convention for the Protection of National Minorities of CoE (CoE-ACFC) referred to reported incidents of anti-Semitism and anti-Muslim.[44] CoE-ECRI noted reports on an increase in anti-Semitic offences at school, at work and in the streets.[45] MPV stated that ostensive Muslims experienced an increase in discrimination and persecution in the public sphere on the basis of religion and religious attire. Muslim women who wore headscarves were more susceptible to discriminatory employment and recruitment processes.[46]

26. CoE-CM stated that the frequency of expressions of hostility towards immigrants in political and public debate had reportedly increased.[47] MPV stated that the Criminal Code, prescribing penalties for publicly disseminating insulting remarks or remarks made to incite hatred and discrimination on the basis of race or religion had not been uniformly applied.[48]

27. In 2013, CoE-ECRI reiterated its recommendation to develop a national strategy and policy against racism and racial discrimination covering various fields of life, which sets out national common targets, mechanisms for implementation, monitoring and evaluation.[49] In 2016, CoE-ECRI reported that no national strategy existed specifically to address racism and racial discrimination. It noted the absence of an effective structural approach to combat racism and racial discrimination at national level.[50]

28. MPV recommended preventing and suppressing manifestation of racism, xenophobia and intolerance against minority groups, in particular Muslims.[51] CoE-CM recommended that the authorities condemn and sanction all manifestations of intolerance, including in political discourse and on the Internet, with due respect to the freedom of opinion and expression and take more resolute measures to encourage a spirit of tolerance and intercultural dialogue in society and prevent stigmatisation of any group.[52]

29. CoE-ECRI recommended that the authorities provide a strong response to violent racist incidents, in particular as concerns the widespread attacks to mosques, with a wide array of measures, from political statements to increased provision of funds earmarked for the security of mosques to the vigorous enforcement of criminal law provisions against racism and racial discrimination.[53]

30. JS3 highlighted the discrimination in the labour market and in particular against older persons and ethnic minorities.[54] CoE-ECRI noted that discrimination complaints in employment reportedly remained the highest category of complaints received by local anti-discrimination services, with discrimination on grounds of race being the most frequent type of complaint.[55]

31. CoE-ECRI recommended ensuring that employers comply with their obligation to identify risks of racial discrimination at the workplace and to develop preventive measures, both in the private and in the public sectors.[56] It recommended resuming targeted policies based on improving the position of certain vulnerable groups in the labour market.[57]

32. AI stated that there was substantial evidence of ethnic profiling by the police. It referred to the 2014 survey data, indicating that significant numbers of people were affected by discriminatory stop-and-searches.[58] MPV and JS3 made similar observations.[59]

33. AI stated that the police and the Minister of Security and Justice were developing measures to prevent ethnic profiling by increasing diversity within the police, conducting training and awareness-raising for police officers, improving police–community relations, and helping citizens to file police complaints. While welcoming these steps, AI noted that more vigorous measures were required to address the root causes of discrimination.[60]

34. MPV recommended eliminating all forms of discrimination and violence against women and children, particularly women and children belonging to ethnic and religious minorities, including Muslim women who faced multiple forms of discrimination with respect to education, employment and social and political participation and ensuring that existing statutes prohibiting gender discrimination are properly implemented and enforced.[61]

35. JS4 noted that the Government extended paternity leave to five paid days instead of two days. This system increased the inequality between men and women in balancing between work and family responsibilities. The Government must invest in gender equality and the empowerment of women by installing paternity leave policies that are adequate in length for each parent (minimum of 12 weeks).[62]

36. JS2 noted existing discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons as well as hate crimes, including violence committed against LGBTI persons and a low level of prosecution against the perpetrators.[63] A draft law had been introduced in the parliament with the aim of abolishing three articles in the penal Code (137 c-e) that protected against discrimination based on amongst other things sexual orientation. If the law were to be adopted, inciting hatred and insulting people on the grounds of their sexual orientation would no longer be punishable. JS2 recommended upholding existing anti-discrimination paragraphs of the Penal Code.[64]

37. Regarding recommendation no. 98.44[65] to combat discrimination in the labour market, in particular targeting transgender people, JS2 reported on a lack of adequate legal protection against discrimination against transgender and intersex people in the labour market. It recommended amending Equal Treatment Act to include explicit prohibition of discrimination on trans and intersex people.[66]

38. JS2 stated that transgender persons under the age of 16 had no access to legal gender recognition. Intersex persons needed a judicial approval and transgender people aged 16 and older needed a letter from a doctor or psychologist to get access to legal gender recognition.[67]

39. JS2 stated that the waiting list for access to medical gender affirmative health care had been long. Not all treatments necessary to complete the transition to male or female were covered or were only partially covered by the basic health insurance. It recommended

inter alia guaranteeing equal access to basic gender affirmative health care through primary health care providers and reimbursement of all aspects of gender affirmative health care.[68]

Development, environment and business and human rights[69]

40. JS1 recommended inter alia developing a set of criteria and indicators to assess the impact of laws, policies and measures on the realisation of those human rights that are related to health and environment; reducing air pollution and greenhouse gas emissions and ensuring the implementation of the Paris Agreement.[70]

Human rights and counter-terrorism

41. AI noted the increasing use of administrative measures in the Government's counter-terrorism policy, without adequate safeguards for review or challenge. It was concerned about two draft laws – the Temporary Administrative (Counter-Terrorism) Measures Act and the Amendment of the Nationality Act to Revoke Dutch Citizenship in the Interest of National Security -- which, if enacted, would enable the Minister of Security and Justice to impose administrative control measures on individuals on the basis of indications that they might pose a future risk to national security and revoke their Dutch nationality and might violate due process standards and place restrictions on individual liberties based on perceived risks rather than established criminal offences.[71]

2. Civil and Political Rights

Right to life, liberty and security of person

42. The ADF International and Minnesota Citizens Concerned for Life Global Outreach (MCCL) reported on the practice of euthanasia and assisted suicide in the Netherlands.[72] ADF International reported that the legislation allowed euthanasia of children between ages of 12 and 18 years.[73] It stated that there were no procedural safeguards to ensure that the law on euthanasia was followed before euthanasia was carried out.[74] MCCL reported that some patients who made no explicit request for death were euthanized and most of such patients were mentally incompetent. It concluded that the practice of euthanasia was not compatible with the right to life, right to health and freedom from discrimination.[75]

43. JS4 stated that the rate of sexual violence was high. Adolescents with low levels of education and with an intellectual disability were at higher risk. There was limited insight related to the prevalence of violence against women and sexual violence in asylum centres.[76]

Fundamental freedoms

44. AI was concerned at the manner in which the growing number of public gatherings had been policed, including unlawful detention of peaceful protesters, confiscation of banners and bans prohibiting assemblies at particular locations. The procedures and instructions for giving notification of upcoming public gatherings varied across the country and failure to give prior notification led to gatherings being halted.[77] It recommended amending the Public Assemblies Act by removing the prohibition on demonstrations due to a lack of prior notification, and updating regulations and introducing police instructions to guarantee the right to peaceful assembly.[78]

Prohibition of all forms of slavery[79]

45. The Group of Experts on Action against Trafficking in Human Beings of CoE (CoE-GRETA) invited the authorities to continue and strengthen their efforts against human trafficking for the purpose of labour exploitation, especially among irregular migrant

workers and to detect victims of trafficking among asylum seekers, in particular unaccompanied foreign minors.[80]

46. CoE-GRETA urged the authorities to ensure that all victims of trafficking in human beings are properly identified and can benefit from assistance and protection measures, in particular by placing the protection of and assistance to possible victims at the heart of the identification system and not linking identification to the prospects of the investigation and prosecution.[81]

Right to privacy

47. JS3 stated that Dutch police and criminal justice authorities had a wide range of powers and possibilities at their disposal that infringed privacy. Dutch figures with respect to telephone tapping were high. The government had proposed a bill that would make it possible for criminal justice authorities to secretly enter computers and mobile phones inside and (sometimes) outside the country, to observe and copy information and even to make information inaccessible.[82] Privacy First Foundation (SPF) urged the Netherlands to either withdraw the bill or to bring it in line with standards on the right to privacy.[83]

48. SPF noted the use of datamining and profiling techniques to discover patterns in large amounts of data from various sources, thus compiling digital profiles about individual persons and groups without them being aware of this.[84] JS3 encouraged the Government to make sure that data gathering and retention for criminal law purposes does not amount to mass surveillance of innocent persons and to put in place adequate safeguards for the use of such data.[85]

49. The European Union Agency for Fundamental Rights (EU-FRA) noted that the draft bill to reform the 2002 Act on intelligence and security services would extend the intelligence service's surveillance capabilities and that European Parliament criticized the draft bill as it would potentially infring on fundamental rights.[86] AI was concerned that the draft law, if enacted, would legitimize sweeping surveillance and interception powers of intelligence and security services and would enable the interception of communications of non-specified groups of individuals as long as the interception is "case-specific". This limitation was vague and the absence of any requirement for a reasonable prior individual suspicion would enable disproportionate interference with private communications. The draft law lacked sufficient safeguards against abuse and its provisions relating to human rights safeguards on the use, retention and destruction of communication data were not sufficient.[87] SPF made similar observations.[88]

50. AI recommended bringing the draft law in line with international human rights standards, including by requiring that the interception of communications is based on individual reasonable suspicion of wrongdoing and authorised by an independent judicial authority and amending the draft law to provide a clear and accessible framework governing intelligence sharing with foreign agencies to prevent the sharing of information that could lead to or result from serious human rights abuses.[89]

3. Economic, Social and Cultural Rights[90]

51. JS1 noted with concern that the Netherlands did not consider provisions of human rights treaties on economic, social and cultural rights to be directly applicable and binding at the national level.[91]

52. CoE-Commissioner regretted that, so far, the Netherlands had not been willing to reconsider its position according to which economic, social and cultural rights only contain general guidance for the Government.[92]

Right to an adequate standard of living

53. JS3 noted statistics showing an increase in the number of 'working poor'. Some individuals had worked several part-time jobs without receiving adequate income. Poverty disproportionally affected women more than men, and many 'working poor' were single mothers.[93]

Right to health

54. JS4 stated that the Government should strengthen the support to women from vulnerable groups to ensure that they are able to make informed decisions about contraceptive use and that they are able to use the preferred contraception method in a consistent way.[94]

55. JS4 stated that the Government must increase access to medical abortion by allowing family doctors to provide the treatment up to 45 days of pregnancy. The five days waiting period should be abolished for all abortions.[95]

Right to education[96]

56. CoE-Commissioner explained that while the non-binding guidelines from the government specify that human rights was an integral part of citizenship education, schools remained free to decide whether to include human rights or not in the broader concept of citizenship education. Human rights were not yet included in the attainment targets for primary and secondary education.[97]

57. AI recalled that the Netherlands considered two UPR recommendations[98] to strengthen human rights education as already implemented. It reported that the Netherlands did not fully comply with its obligation to provide human rights education to school pupils and recommended including human rights education in the mandatory core curriculum of both primary and secondary schools, as well as in teacher training courses.[99]

58. JS4 stated that the Government should strengthen sexuality education in primary, secondary and high schools by ensuring comprehensive sexuality education that includes topics such as sexual diversity, sexual rights and gender equality.[100]

4. Rights of specific persons or groups

Children[101]

59. CoE-Commissioner was concerned at the negative impact of growing child poverty on the enjoyment of the rights of children. He recommended that any envisaged budget cuts should be carefully assessed for their impact on the particularly vulnerable group constituted by children at risk of poverty and social exclusion.[102] Anti-poverty policies specifically geared to children should be developed by municipalities, and the central government should monitor these policies with a view to ensuring that no child is left outside the scope of these measures and that they are effective.[103]

60. CoE-Commissioner remained concerned about the occurrence of child abuse in the context of domestic violence, through the social media or bullying at school. While welcoming the measures taken to combat different forms of child abuse, he invited the authorities to ensure a proactive implementation of the existing tools against child abuse. Additionally, in view of the current decentralisation process, the work of the municipalities in this field should be monitored by the central authorities to ensure that the decentralisation does not impact negatively on the right of children not to be victims of abuse.[104]

61. EU-FRA noted that the new criminal justice bill for juvenile offenders allowed judges to choose between juvenile and adult criminal law in cases of serious felonies committed by juveniles from the age of 16 to 23 years.[105] CoE-Commissioner called on the authorities to increase the current minimum age of criminal responsibility (12 years) and change the law which allows, by way of exception, that some 16 or 17-year-old children are treated as adult criminals.[106]

62. CoE-Commissioner called on the authorities to ensure that the arrest, detention or imprisonment of a child is used only as a measure of last resort; that alternatives to pre-trial custodial settings are made more accessible to ensure that they are fully used in practice; and that pre-trial detention of children is not used beyond the shortest period of time possible. There was a need to ensure that police custody of juveniles better complies with child-friendly justice as laid down in international legal standards.[107]

Persons with disabilities[108]

63. CoE-Commissioner was concerned about the fact that many children with disabilities were segregated from their peers in the education system. The 2014 Appropriate Education Act represented a step in the right direction. However, the new arrangements fell short of adopting inclusive education as a fundamental principle.[109]

64. CoE-Commissioner was concerned that the number of students attending special needs schools had increased. As concerns mainstream schools, many teachers were said to experience difficulties in supervising students with specific educational needs and in adapting their teaching to the different needs in their classrooms. In some cases, children with disabilities received no education because they were staying at an institution or childcare centre.[110]

65. JS6 noted that funding for research into Down syndrome had been reportedly shrinking.[111]

66. EU-FRA stated that the 2015 Participation Act introduced wage subsidies and job coaching for employers who hired persons with disabilities. Additionally, the 2015 Quota Act required employers with 25 or more employees to hire a percentage of persons with disabilities. Employers in the private and public sectors that did not meet their targets would incur fines.[112]

Minorities[113]

67. CoE-CM stated that the use of Frisian Act, which came into force in 2014, recognised Frisian as the second national language. Substantive efforts had been made to provide persons belonging to the Frisian minority with increased opportunities to learn the Frisian language in all levels of education. However, the amount of Frisian teaching as an obligatory subject was still very low and the lack of suitable trained teachers for Frisian language remained a concern among the Frisian minority.[114]

68. CoE-ACFC stated that despite efforts made on local level to improve the integration of Roma and Sinti communities, persons belonging to these communities continued to face discrimination in various fields. The lack of a specific national Roma policy and the absence of an adequate consultative mechanism to promote their effective participation in decision making on issues of concern to them reinforced their difficulties.[115]

69. CoE-ECRI recommended drawing up, in close co-operation with the Roma, Sinti and Traveller communities and the municipalities, a comprehensive strategy aimed at reducing the disadvantage and discrimination these communities faced and make available adequate resources to implement it. The strategy should set clear targets and provide methods for evaluating the progress achieved.[116]

Migrants, refugees and asylum seekers[117]

70. CoE-Commissioner was concerned at the extensive use of administrative detention of asylum seekers and immigrants.[118] AI stated that alternatives to detention were rarely offered.[119]

71. Regarding the UPR recommendation[120] to reduce the number of persons held in detention centres for immigration purposes, AI noted some policy changes in 2013 that were aimed at ensuring that irregular migrant families with children under the age of 18 were detained only in exceptional cases. In 2014, a special closed facility was opened in Soesterberg for the detention of unaccompanied children and families with children, in small houses rather than cells. AI noted that this still constituted detention.[121]

72. Regarding the UPR recommendations[122] to reduce immigration detention and promote alternatives to such detention, AI reported that alternatives to detention were rarely offered.[123]

73. CoE-Commission noted the concern expressed by the United Nations Committee against Torture at reports that the maximum duration of 18 months for detention pending deportation was not strictly observed in practice. About 30 per cent of immigrants were reportedly detained for periods longer than 18 months. Once they had been released from previous detention, they were again being apprehended by the police and placed in detention due to the absence of a valid residence permit.[124] AI stated that administrative immigration-related detention was not automatically or promptly reviewed by a judge.[125]

74. CoE-Commissioner stated that detention conditions were reported to be harsher for foreigners in administrative detention than for convicted prisoners.[126] AI was concerned by the continued use of isolation cells and solitary confinement in immigration detention.[127]

75. CoE-Commissioner stated that the draft law on migrant detention and return foresaw more recreational activities and shorter time during which immigrants were detained in their cells. However, he noted the view of human rights NGOs that those improvements generally remained insufficient.[128] AI considered that the draft law was not expected to lead to significant improvements and that it did not change the fact that individuals in migration detention were locked up in a cell for many hours a day, not permitted to work and subject to a range of disciplinary measures.[129]

76. AI recommended that the Government always give priority to the use of alternatives to migration detention and ensure that vulnerable individuals and children are never held in detention.[130] CoE-Commissioner made similar recommendations.[131]

77. AI recommended preventing repeated detention, and never exceeding the time limit for immigration detention under the European Union Returns Directive and ensuring automatic and prompt judicial review of all cases of immigration-related detention to determine its lawfulness, necessity and proportionality.[132]

78. AI recommended that immigration detention centres do not use locked cells and that the authorities put an immediate end to the use of isolation and solitary confinement as punitive measures in immigration detention centres by ensuring that isolation is limited to situations in which a person is a danger to him- or herself or to others.[133] CoE-Commissioner urged the authorities to continue and strengthen their efforts in improving access to healthcare of immigrants in administrative detention.[134]

79. CoE-Commissioner urged the authorities to abandon the current criminal detention regime applicable to detention pending deportation and to opt for a non-punitive regime in all cases of administrative detention of foreigners.[135] JS3 made a similar recommendation.[136]

80. CoE-Commissioner was concerned at the current human rights situation of immigrants staying irregularly in the Netherlands.[137] JS3 stated that undocumented migrants had no (legal) status or work and no insurance to cover for health care expenses. They were refused access to food and shelter. It recommended ensuring that undocumented migrants at risk of destitution have unconditional access to basic needs.[138]

Stateless persons

81. CoE-Commissioner noted the lack of an adequate procedure to identify stateless persons and determine statelessness.[139] JS5 explained that only stateless persons who were legally residing in the country and who had documentary evidence to prove their stateless status beyond doubt could be recorded as 'stateless' in the population register. The requirement of legal stay and the substantial burden of proof likely caused a large number of stateless (and at risk) individuals to go unidentified.[140] It stated that the lack of statelessness determination procedure was a concern, as the failure to identify statelessness or the risk of statelessness before a decision to remove or detain was made often resulted in persons being arbitrarily detained.[141]

82. JS5 stated that the law had only allowed children born in the country, who had been stateless since birth, the right to opt for Dutch citizenship after an uninterrupted period of at least three years of legal residence. Thus, some children born in the country would not be able to acquire Dutch nationality because their parents were irregular migrants. In 2014, the Government proposed a provisional amendment to the Dutch Nationality Act that aimed at enabling stateless children born in the Netherlands with no legal residence to opt for Dutch citizenship. The proposed amendment partially addressed the above concerns, as it retained some problematic conditions.[142]

83. JS5 recommended, inter alia, expediting efforts to introduce a statelessness determination procedure, strengthen statistical data on statelessness and build the capacity of relevant administrative and judicial bodies to proactively identify and address situations of statelessness. It recommended ensuring that every child born in the Netherlands, who would otherwise be stateless, has the right to acquire Dutch nationality in accordance with the international obligations.[143]

5. Specific regions or territories[144]

84. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) recommended that the Aruban, Curaçao and Sint Maarten authorities deliver the clear message to prison officers that all forms of ill-treatment, including verbal abuse, are not acceptable and will be the subject of sanctions[145] and ensure that all persons arrested have the right of access to a lawyer from the very outset of their deprivation of liberty, including during any police interview. Such a right should include access to an ex officio lawyer, if required.[146]

85. CoE-CPT recommended that the Curaçao and Aruban authorities take the necessary steps to recognise the principle of free and informed consent to treatment in psychiatric establishment.[147]

86. CoE-CPT recommended that the Curaçao authorities make every effort to find alternative solutions to long-term detention at police stations.[148]

87. CoE-CPT recommended that the authorities of Sint Maarten adopt and implement a coherent strategy designed to combat prison overcrowding.[149]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International (Geneva) Switzerland;
AI	Amnesty International, London (United Kingdom);
FFF	Four Freedoms Forum, Kanesse (United States of America);
GOOD Group	Global Organising for Optimal Dignity and Diplomacy Group, Honolulu, United States of America;
INDIGENOUS	International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organising for Understanding and Self-Determination, Kaneohe (United States of America);
MPV	Muslims for Progressive Values, Los Angeles (United States of America);
MCCL	Minnesota Citizens Concerned for Life Inc. Education Fund, Minneapolis (United States of America);
OHR	Oceania Human Rights Hawaii, Kailua, United States of America;
SPF	Privacy First Foundation (Stitching Privacy First, SPF) Amsterdam (The Netherlands);

Joint submissions:

JS1	Joint submission 1 submitted by: Stand UP for Your Rights (SUPYR); Milieudefensie (Friends of the Earth Netherlands) and Women (Netherlands);
JS2	Joint submission 2 submitted by: Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland; Nederlands Network voor Intersekse/DSD – NNID; and Transgender Netwerk Nederland – TNN (Netherlands);
JS3	Joint submission 3 submitted by: the Dutch section of the International Commission of Jurists (NJCM) and Kompass Netherlands, in collaboration with Controle Alt Delete, Cordaid, Defence for Children/ECPAT Netherlands, the Dutch Council for Refugees (Vluchtelingenwerk), the Dutch CEDAW-Network (Netwerk VN-Vrouwenverdrag), Ieder(in): Dutch Council for Persons with Disabilities, Internet Society Nederland, Justice and Peace Netherlands, the National Association of Regional NGO's Against Discrimination (LVTD), the Netherlands Platform on Human Rights Education, the Netherlands Trade Union Confederation (FNV), the Netherlands Helsinki Committee (NHC), New Urban Collective, RADAR/Artikel 1, Stichting Landelijk Ongedocumenteerden Steunpunt (LOS), Stichting Overlegorgaan Caribische Nederlanders (OCAN), TIYE International, UNICEF Netherlands and Vereniging Asieladvocaten & Juristen Nederland (VAJN) (Netherlands);
JS4	Joint submission 4 submitted by: Rutgers (Netherlands) and Sexual Rights Initiative (a coalition of organizations from Canada, Poland, India, Argentina and Africa);
JS5	Joint submission 5 submitted by: Institute on Statelessness and Inclusion (Netherlands), ASKV Refugee Support (Netherlands), European Network and Statelessness (United Kingdom) and Defence for Children (Netherlands);
JS6	Joint submission 5 submitted by: Jerôme Lejeune Foundation, Paris (France) and Downpride (Netherlands);

National human rights institution:

NHR	The Netherlands Institute for Human Right, Utrecht (The Netherlands);

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France);

Abbreviations:

(CoE-Commissioner) Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to the Netherlands from 20 to 22 May 2014. Strasbourg, CommDH (2014) 16.

(CoE-ECRI) European Commission against Racism and Intolerance report on the Netherlands (forth monitoring cycle), adopted on 20 June 2013, published on 15 October 2013, CRI (2013) 39.

(CoE-ECRI Conclusions) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of the Netherlands subject to interim follow-up, adopted on 17 March 2016, CRI (2016) 24.

(CoE-CM) Resolution of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by the Netherlands, adopted at the 1200th meeting of the Ministers' Deputies (CM/ResCMN (2014) 5).

(CoE-ACFC) Advisory Committee on the Framework Convention For The Protection Of National Minorities, Strasbourg, Second Opinion on the Netherlands adopted on 20 June, 2013 ACFC/OP/II (2013) (03).

(CoE-CPT) Report to the Government of the Netherlands on the visit to Caribbean part of the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 12 to 22 May, 2014, CPT/Inf (2015)27.

(CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands, First Evaluation Round, Strasbourg, 21 March, 2014, GRETA (2014)10.

FRA European Union Agency for Fundamental Rights, Vienna (Austria)

[1] For relevant recommendations see A/HRC/21/15, paras. 98.5 – 98.11, 98.15, 98.16, 98.21 – 98.30, 98.32, 98.35, 98.34, 98.35, 98.36, 98.38, 98.39, 98.40 – 98.44, 98.50, 98.53, 98.55, 98.59, 98.60, 98.62, 98.65, 98.68, 98.84, 98.92, 98.93, 98.94, 98.95, 98.97, 98.99, 98.102, 98.104, 98.107, 98.111 and 98.115.

[2] NHR, para. 5.

[3] NHR, Annex, p. 2. See also CoE-CPT, para. 10.

[4] For the full text of the recommendation see A/HRC/21/15, para. 98.27 (Philippines).

[5] NHR, para. 2 and Annex, p. 9.

[6] NHR, Annex, p. 8.

[7] For the full text of the recommendation see A/HRC/21/15, para. 98.44 (France).

[8] NHR, para. 11.

[9] NHR, paras. 20 and 21.

[10] NHR, paras. 15 and 17.

[11] NHR, Annex, pp. 15-16.

[12] NHR, para. 23.

[13] For the full text of the recommendation see A/HRC/21/15, para. 98. 39 (United States of America).

[14] NHR, Annex, pp. 9-10.

[15] For the full text of the recommendation see A/HRC/21/15, para. 98. 84 (France).

[16] NHR, Annex, p. 44.

[17] For the full text of the recommendation see A/HRC/21/15, para. 98. 102 (Ukraine).

[18] NHR, Annex, p. 44.

[19] NHR, Annex, p. 29.

[20] NHR, paras. 31 and 32.

[21] NHR, Annex, p. 18.

[22] NHR, paras 7 and 10.

[14] For the full text of the recommendation see A/HRC/21/15, para. 98. 102 (United States of America).
[15] NHR, Annex, p. 49.
[16] NHR, Annex, p. 31.
[17] The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
CRC	Convention on the Rights of the Child
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD

[18] For relevant recommendations see *A/HRC/21/15*, paras. 98.1 - 98.16.
[19] See also MPV, p. 10 and JS3, p. 8.
[20] CoE-Commissioner, para. 65 and CoE, p. 3. See also HIF, pp. 1-2.
[21] CoE-Commissioner, para. 157.
[22] For relevant recommendations see A/HRC/21/15, paras. 98. 21 - 98.25, 98.27- 98.30.
[23] CoE-Commissioner, p. 3 and para. 20. See also JS1, p. 4 and CoE-ECRI, para. 50.
[24] CoE-Commissioner, para. 26 and p. 3.
[25] CoE-Commissioner, paras. 28 and 29. See also JS3, Section VII, p. 9.
[26] AI, p. 3. See also JS3, p. 9. See also Indigenous, p. 1.
[27] JS1, p. 5. See also OHR, p. 2.
[28] For relevant recommendations see A/HRC/21/15, paras. 98.34, 98.36, 98.38, 98.39, 98.40 - 98.51, 98.53- 98.56, 97.57, 98.59 – 98.70, 98.74, 98.87, 98.88, 98.89, 98.92, 98.93, 98.96, 98.103.
[29] MPV, p. 10.
[30] See A/HRC/21/15, recommendations 98.38 (Iran), 98.40 (Thailand), 98.42 (Egypt), 98. 83 (Egypt), 98.44 (France), 98.45 (Poland), 98.47 (Iran), 98.48 (Malaysia), 98.49 (Mexico), 98.50 (Nicaragua), 98.52 (Pakistan), 98.53 (Pakistan), 98.54 (Hungary), 98.55 (Qatar), 98.57 (Russian Federation), 98.58 (Spain), 98.59 (Thailand), 98.60 (Turkey), 98.61(Uruguay), 98.63 (Algeria), 98.65 (Bangladesh), 98.66 (Bangladesh), 98.67 (Botswana), 98.69 (Costa Rica), 98.70 (Cuba), 98.74 (Guinea), 98.87 (Indonesia), 98.88 (Malaysia).
[31] AI, p. 2.
[32] CoE-ECRI, p. 7. See also CoE, p. 4.
[33] CoE-CM, para. 10(c).
[34] CoE-ACFC, para. 18.
[35] CoE-ECRI, para. 143.
[36] MPV, p. 2.
[37] CoE-CM, para. 10(b). See also CoE-CM, para. 10 and CoE-ECRI, p. 7.
[38] MPV, p. 3.
[39] CoE-ECRI, para. 59. See also CoE, p. 4.
[40] CoE-ECRI Conclusions, para. 2.
[41] MPV, p. 10.
[42] CoE-CM, para. 2. See also MPV, pp. 4 and 10.
[43] CoE-ECRI, para. 130.
[44] JS3, Section VI, p. 7. See also MPV, p. 4.
[45] CoE-ECRI, para. 67. See also p. 7.
[46] CoE-ECRI, para. 82. See also MPV, p. 4.
[47] CoE-ECRI, para. 68.
[48] AI, p. 6.
[49] MPV, p. 3 and JS3, Section II.
[50] AI, p. 6. See also JS3, Section II.
[51] MPV, p. 10.
[52] JS4, paras. 21, 22 and 35.
[53] JS2, paras. 5 and 18. See also MPV, p. 6.
[54] JS2, para. 6.
[55] For the full text of the recommendation see A/HRC/21/15, para. 98.44 (France).

[62] JS2, paras. 65-69.
[63] JS2, para. 7. See also EU-FRA, p. 10.
[64] JS2, para. 28, 29 and 31.
[65] For relevant recommendations see A/HRC/21/10, paras. 98.35 and 98.97.
[66] JS1, p. 6 and 7, 8, 9. See also CHR, pp. 1 and 2.
[67] All, p. 4.
[68] ADF International, pp.1-4 and MRCI, paras. 2-7 and 12-15.
[69] ADF International, para. 6. See also MRCI, para. 3.
[70] ADF International, paras. 9 and 24.
[71] MRCI, paras. 5, 17 and 28.
[72] JS4, paras. 19 and 33.
[73] All, p. 6.
[74] All, p. 8.
[75] For relevant recommendations see A/HRC/21/10, para. 98.80.
[76] Coll-GRETA, p. 10.
[77] Coll-GRETA, p. 10. See also EU-FRA, p. 12.
[78] JS3, Section IV, p. 4. See also MPF, pp. 4-7.
[79] MPF, p. 7. See also JS3, Section IV, p. 5.
[80] MPF, p. 4.
[81] JS3, Section IV, p. 4. See also MPF, p. 4 and Coll-Commissioner, para. 72.
[82] EU-FRA, p. 9.
[83] All, p. 5. See also JS3, Section IV.
[84] MPF, pp. 4-7.
[85] All, p. 8. See also MPF, p. 7 and Coll-Commissioner, paras. 70-73.
[86] For relevant recommendations see A/HRC/21/10, paras. 98.35, 98.97.
[87] JS3, p. 3.
[88] Coll-Commissioner, para. 67.
[89] JS3, Section VI, p. 6.
[90] JS4, para. 27. See also paras. 17-18.
[91] JS4, para. 29.
[92] For relevant recommendations see A/HRC/21/10, paras. 98.33, 98.98 and 98.99.
[93] Coll-Commissioner, para. 35.
[94] See A/HRC/21/10, recommendations 98.98 (Spain) and 98.99 (Azerbaijan).
[95] All, pp. 2 and 7. See also JS3, Section V, p. 6, Coll-Commissioner, para. 69 and CoE-ECRI, para. 234.
[96] JS4, para. 23. See also JS3, Section V and The G(0.0) group, pp. 1 - 2.
[97] For relevant recommendations see A/HRC/21/10, paras. 98.18, 98.35, 98.75, 98.77, 98.78, 98.81, 98.82, 98.83, 98.84.
[98] Coll-Commissioner, para. 165.
[99] Coll-Commissioner, pp. 4-5. See also EU-FRA, p. 9.
[100] Coll-Commissioner, p. 5.
[101] EU-FRA, p. 9.
[102] Coll-Commissioner, p. 4 and Coll., p. 3. See also para. 156.
[103] Coll-Commissioner, paras. 158 - 159.
[104] For relevant recommendations see A/HRC/21/10, para. 98.102.
[105] Coll-Commissioner, p. 5 and para. 180.
[106] Coll-Commissioner, para. 183.
[107] JS6, p. 3.
[108] EU-FRA, pp. 4-5.
[109] For relevant recommendations see A/HRC/21/10, para. 98.111.
[110] Coll-CM, para. 1.
[111] Coll-CM, para. 19. See also Coll-EURI, p. 8.
[112] Coll-EURI, para. 165.
[113] For relevant recommendations see A/HRC/21/10, paras. 98.19, 98.100, 98.106, 98.107, 98.108, 98.110, 98.112 - 98.115, 98.117.
[114] Coll-Commissioner, p. 3 and para. 76, and Coll., p. 3.

[119] AI, pp. 1-2.
[120] For the full text of the recommendation see A/HRC/21/15, recommendation 98.108 (Sweden).
[121] AI, p. 1. See also CoE-Commissioner, para. 90.
[122] For the full text of the recommendations see A/HRC/21/15, recommendations 98.108 (Sweden), 98.112 (Brazil) and 98.113 (Ecuador).
[123] AI, p. 2.
[124] CoE-Commissioner, para. 97. See also AI, p. 3.
[125] AI, p. 4.
[126] CoE-Commissioner, para. 92.
[127] AI, p. 4. See also JS3, Section III and JS5, para. 36.
[128] CoE-Commissioner, para. 92. See also AI, p. 1.
[129] AI, p. 2.
[130] AI, p. 7.
[131] CoE-Commissioner, paras. 100 and 101.
[132] AI, p. 7.
[133] AI, p. 7. See also JS3, Section III.
[134] CoE-Commissioner, para. 105.
[135] CoE-Commissioner, para. 104.
[136] JS3, Section III.
[137] CoE-Commissioner, para. 126. See also para. 108 and p. 4.
[138] JS3, Section III, pp. 2-3.
[139] CoE-Commissioner, para. 134. See also JS5, para. 23.
[140] JS5, para. 11. See also CoE-Commissioner, paras. 136 and 138.
[141] JS5, para. 32.
[142] JS5, paras. 16 and 18.
[143] JS5, para. 40. See also CoE-Commissioner, p. 4 and CoE-ECRI, para. 173.
[144] For relevant recommendations see A/HRC/21/15, paras. 98.26, 98.34 and 98.73.
[145] CoE-CPT, paras. 77, 148, 194 and 238.
[146] CoE-CPT, paras. 55, 130 and 228.
[147] CoE-CPT, paras. 115 and 219.
[148] CoE-CPT, para. 142.
[149] CoE-CPT, para. 236.